

EXHIBIT 34



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

July 31, 2024

Beldaja Jama

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

CORRECTED DECISION LETTER

Dear Beldaja:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on or around April 26-27, 2024, when an unauthorized encampment was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus until law enforcement arrested those remaining unlawfully on the Alumni Lawn and the encampment was removed.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. on Friday, April 26, 2024, protesters began occupying the Alumni Lawn and set up an unauthorized encampment. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, police initially arrested 3 individuals for trespass. ASU Police determined additional law enforcement resources were needed given the size of the encampment, the number of individuals present, and the fact that additional people and supplies were continuing to arrive.

Throughout Friday, April 26, ASU Police and other ASU representatives continued to monitor and address the safety of all participants while also asking those participating in the encampment to comply with university policy regarding tents, location, and amplification. As an 11:00 p.m. deadline to vacate the area approached, ASU Police worked with other law enforcement agencies

to assemble personnel and plan for the clearing of the encampment and arrest of any individuals who refused to leave or became violent. This included closing the adjacent University Drive to traffic for safety purposes and arranging for buses to transport arrestees for booking.

Beginning at approximately 10:40 p.m., repeated announcements were made to persons present at the Alumni Lawn encampment by ASU Police Commander Anthony Momon using a highpowered amplification system. Each round of announcements was repeated from multiple locations around the Alumni Lawn to ensure persons present heard the announcements. The crowd yelled responses to Commander Momon, indicating that the crowd heard the announcements. Commander Momon's announcements advised those on the Alumni Lawn that the gathering was unlawful and commanded them to leave the Lawn and ASU property immediately or they would be arrested. Commander Momon repeated the announcement directing those on the Alumni Lawn to leave or face arrest at approximately 11:00 p.m. and 11:40 p.m.

At approximately 11:59 p.m., ASU Police began arresting individuals remaining on the Alumni Lawn in violation of Commander Momon's order to leave. Thereafter, on April 27, 2024, Commander Momon again repeated the announcement ordering persons to leave at approximately 12:36 a.m. and 1:00 a.m.

The evidence shows that you arrived at the unauthorized Alumni Lawn encampment on April 26, 2024, around sunset after learning about it on Instagram. You told the investigator that you went to "support the cause and lend your voice to the group" because you "wanted the university to be more transparent about their investments." You remained at and participated in the unauthorized encampment for several hours.

Following the multiple announcements by ASU Police Commander Anthony Momon ordering individuals to leave the Alumni Lawn encampment or be arrested, you interlocked arms with other protesters on the Alumni Lawn to make it more difficult for police to arrest individuals remaining on Alumni Lawn. Between approximately 1:00 and 1:30 a.m., you were among a group who had interlocked arms on the Alumni Lawn and were arrested by police for criminal trespassing in the third degree. You stated that you were with approximately 200-300 people at the time of your arrest. However, the police report showed that most protestors left by the time the 12:36 a.m. announcement to leave or face arrest was made, and you were among approximately 70 individuals who remained and interlocked arms.

When asked whether there were directions given to leave, you said that that police were walking at you with batons and you got the sense "they wanted something." When asked why you stayed despite the police's presence, you said you didn't think you were doing anything illegal and that you were not aware of the overnight policy. You also declined to answer any questions about the account that posted about the encampment and other questions about that evening such as the timeline, when you linked arms, and whether you set up any temporary structures. However, announcements telling protestors to leave or face arrest were made multiple times from various

locations over the course of several hours using a high-amplification speaker system. The preponderance of the evidence, including not only the multiple announcements made by Commander Momon but also the fact that your arrest occurred between approximately 1:00 and 1:30 a.m., after other arrests had been made, proves your statement not credible and supports the conclusion that you knowingly remained on the Alumni Lawn at the unauthorized encampment after being ordered to leave.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically section(s):

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - ABOR 7-201.A.1. University “grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.”
 - FAC 115: Overnight Use of University Property
- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance.

DECISION

Based on all information gathered and as a result of these findings, effective Wednesday, August 7, 2024, the sanction of **Suspension** is imposed through August 16, 2024.

The terms of this suspension period include the following:

- You are denied access from any university property, including but not limited to, real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. You are

subject to arrest if you violate this directive.

- You are not permitted to participate in any university-sponsored activity.
- You are ineligible for admission, enrollment, re-enrollment or readmission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Arizona Board of Regents. For further information concerning this provision, please reference: <https://eoss.asu.edu/dos/srr/codeofconduct>.
- An administrative hold has been placed on your records and you will not be allowed to register for any classes.

ADDITIONAL OUTCOMES

- Effective August 7, 2024, you are placed on administrative probation. Your administrative probation will conclude two years from the end date of your suspension or the completion of your conditions for return, whichever is later.
- The Choices exercise provides an educational opportunity to students who participated in situations involving errors in judgment. Students will be challenged to think about their values and current decision-making style while considering if their behavior is congruent with their values and learning about various decision-making fallacies and styles. Refer to the Choices attachments in this email. The values cards are to be sorted and the reflective questions answered. Utilize your reflection and the answers to the questions on that handout. The answers should be well thought out and show that you took the time to do this exercise and gain something from it. Email the completed exercise as an attachment to deanofstudents@asu.edu by 4:30 p.m., August 9, 2024.
- After completing the Choices Exercise, refer to the worksheet to complete this Educational/Reflection Paper. Utilize your reflection and the answers to the questions on that worksheet. This paper should be well thought out and show that you took the time to do this exercise and gain something from it. Take this opportunity to see how your values can play into the decision-making process, and how you can use your values in the future. This paper should be 3 pages, 12 point font, in Times New Roman, with 1-inch margins, and should be of college quality. If the paper does not meet the standards of a college-level paper it will be returned and you will need to re-write it. Email this paper as an attachment to deanofstudents@asu.edu by 4:30 p.m., August 9, 2024.

CONDITIONS FOR RETURN

Should you desire to return to Arizona State University after your suspension period ends, you will first need to complete all outcomes listed above. In addition, you will need to meet with the Office of Student Rights and Responsibilities prior to the administrative hold being removed from your student account. The purpose of this meeting will be to review the completion of your conditions, discuss your reintegration into the university community, and develop strategies for compliance with the ABOR Student Code of Conduct upon your return.

DISCIPLINARY SANCTION APPEAL PROCESS

As per the ASU Student Code of Conduct Procedures, you have the right to an appeal when the sanction imposed includes suspension, expulsion, or degree revocation. The University Hearing Board is the body that conducts hearings for appeals.

To request a hearing before a University Hearing Board, the suspended student must file a written request no later than five (5) business days following the date of notification. In your case, the written request for a hearing before the University Hearing Board must be delivered via email to deanofstudents@asu.edu no later than 11:59 p.m. ([AZ Time](#)) on **Wednesday, August 7, 2024**. Late appeal requests will not be considered.

Please refer to the university [Student Code of Conduct Procedures](#) for information regarding appeal procedures. You may access the *ABOR Student Code of Conduct* here: <https://eoss.asu.edu/dos/srr/codeofconduct>.

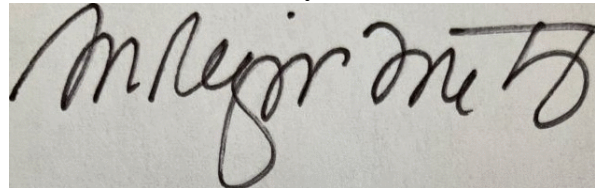
If you have questions concerning this action, please contact the [Office of Student Rights and Responsibilities](#) at (480) 965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [Student Accessibility and Inclusive Learning Services](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Drane III".

Daniel Drane III, Ed.D.

Dean of Students – Polytechnic

A handwritten signature in black ink, appearing to read "Regina Matos".

Regina Matos

Dean of Students - West Valley

Student Rights and Responsibilities
Arizona State University
480-965-9170

CC: Michael Yancey

SERVICE TO OTHERS

MORAL RESPONSIBILITY & FULFILLMENT

OPENNESS AND HONESTY AMONG PEOPLE

LONG AND HEALTHY LIFE

DEEP RELIGIOUS BELIEFS

GREAT PERSONAL ATTRACTIVENESS

JUSTICE AND EQUALITY IN THE WORLD

SATISFYING FAMILY LIFE WITH CHILDREN

TIME WITH NATURE

PERSONAL FAME AND FORTUNE

RECOGNITION AND FAME

PERSONAL ACHIEVEMENT

SELF UNDERSTANDING

ATHLETIC EXCELLENCE

A GREAT SENSE OF HUMOR

A CAPACITY TO GIVE AND RECEIVE LOVE

**UNLIMITED ACCESS TO MUSIC, ART, THEATRE,
LITERATURE**

**SATISFYING RELATIONSHIP WITH A
PARTNER/SPOUSE**

FREEDOM TO TRAVEL

LIVING ACCORDING TO MY BELIEFS

**CONTRIBUTING TO THE BETTERMENT OF THE
WORLD**

LEADING & INFLUENCING PEOPLE & POLICIES

JOB SATISFACTION AND SUCCESS

CREATIVITY

CLOSE AND LOYAL FRIENDS

LIFE OF GREAT ROMANCE

SATISFYING AND COMPLETE EDUCATION

SOCIAL STATUS

POWER AUTHORITY

LIFE OF GREAT ADVENTURE

A SENSE OF ORDER

**FREEDOM OF LIFESTYLE & PERSONAL
INDEPENDENCE**

**THE PURSUIT OF KNOWLEDGE, TRUTH AND
UNDERSTANDING**

A LIFE OF LEISURE

BEING LIKED AND APPRECIATED BY OTHERS

FINANCIAL SECURITY

WORRY FREE LIFE

SATISFYING LOVE LIFE

GENIUS INTELLIGENCE

Choices Workshop
Office of Student Rights & Responsibilities



Quotes on Ethics

Select a quote below that best describes your understanding of ethics, that could assist you in future decision-making, or with which you disagree. We will discuss together as a group.

- | | |
|--|--|
| 1. Excellence is not a singular act, but a habit. You are what you repeatedly do.
<i>Shaquille O'Neal</i> | 11. The mind is everything. What you think, you become.
<i>Prince Guatama Siddharta</i> |
| 2. Ethics is not definable, is not implementable, because it is not conscious; it involves not only our thinking, but also our feeling.
<i>Valdemar W. Setzer</i> | 12. To see what is right and not to do it is want of courage.
<i>Confucius</i> |
| 3. Relativity applies to physics, not ethics.
<i>Albert Einstein</i> | 13. Not life, but good life, is to be chiefly valued.
<i>Socrates</i> |
| 4. Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.
<i>W. Clement Stone</i> | 14. Education without values, as useful as it is, seems rather to make man a more clever devil.
<i>C.S. Lewis</i> |
| 5. Integrity is doing the right thing, even if nobody is watching.
<i>Unknown</i> | 15. Right actions for the future are the best apologies for wrong ones in the past.
<i>Tyron Edwards</i> |
| 6. Ethics is the activity of man directed to secure the inner perfection of his own personality.
<i>Albert Schweitzer</i> | 16. I can bring you to the door, but you have to walk through.
<i>Jean-Paul Vadnais</i> |
| 7. Even the most rational approach to ethics is defenseless if there isn't the will to do what is right.
<i>Alexander Sozhenitsyn</i> | 17. It's not hard to make decisions when you know what your values are.
<i>Roy Disney</i> |
| 8. Ethics is knowing the difference between what you have a right to do and what is right to do.
<i>Potter Stewart</i> | 18. Character is power.
<i>Booker T. Washington</i> |
| 9. In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.
<i>Immanuel Kant</i> | 19. Live one day at a time emphasizing ethics rather than rules.
<i>Wayne Dyer</i> |
| 10. I consider ethics, as well as religion, as supplements to law in the government of man.
<i>Thomas Jefferson</i> | 20. For there is nothing either good or bad, but thinking makes it so.
<i>William Shakespeare</i> |

Office of Student Rights & Responsibilities

Values Card Sort

Always Valued	Sometimes Valued	Rarely Valued

After separating the values reflect on the following questions:

1. Was this task easy or difficult? Why?
2. Was there anything, while doing this exercise that surprised you? For example, a value in a pile that you didn't think would be there?
3. Do you think if you had done this exercise a few years ago your values would be separated differently? Why?

Choices Workshop

Office of Student Rights & Responsibilities



My Top 5 Values:

- 1.
- 2.
- 3.
- 4.
- 5.

After selecting your 5 top values, reflect on the following questions:

1. Was this task easy or difficult? Why?
2. How did you narrow down your values to the top 5 selected?
3. Do you live these top 5 values on a daily basis? How?

My Number 1 Value: _____

After selecting your Number 1 Value, reflect on the following questions:

1. Why is this important to you right now?
2. How do you live this value on a daily basis?
3. Have your values been challenged? How did you cope? How did it affect you?

After reflecting on the questions above, think about the incident or behavior that resulted in your referral to this workshop and reflect on the following questions:

1. How does your Number 1 value play into the decision you made, which resulted in you completing this workshop as part of your sanction?
2. What was it like to put your decision above your Number 1 value in your decision making process?
3. How can you use your Number 1 value in your decision making process in the future to make better decisions/choices?

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

Arizona Board of Regents (ABOR) Student Code of Conduct

The Student Code of Conduct sets forth the standards of conduct expected of students who attend the three main universities in Arizona (ASU, UA, and NAU). These standards apply to both on-campus and off-campus behavior. Students who violate the Student Code of Conduct may be subject to administrative and educational sanctions. For more information, please visit: <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>

Notice of No Retaliation

ACD 401: *Prohibition against Discrimination, Harassment, and Retaliation* – Any individual who is part of the investigation process cannot retaliate against any individual who participates in the Student Rights and Responsibility investigation process. More information regarding this policy can be found at the following webpage: <https://www.asu.edu/aad/manuals/acd/acd401.html>

PROCEDURES

Arizona State University Code of Conduct Procedures

When the University is aware of a reported violation of the Student Code of Conduct, an investigation is conducted. Both parties are informed of the outcome of the investigation. The Code of Conduct Procedures can be found at the following webpage: https://eoss.asu.edu/sites/default/files/student_conduct_procedures_rev_6-23-2021_Cleryfinal.pdf

Interim Grievance Process for Formal Complaints of Title IX Sexual Harassment

Effective September 10, 2021, this procedure describes the process that will be followed by Arizona State University to resolve formal complaints of Title IX sexual harassment. Title IX sexual harassment is conduct, based on sex, that constitutes one or more of the following:

- Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ASU's education program or activity.
- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
- Any of the following specific acts of sexual harassment taking place within the United States and within an ASU education program or activity: sexual assault, dating violence, domestic violence, and stalking.

For more information, please visit: <https://provost.asu.edu/policies/procedures/p20a>

REPORTING OPTIONS

Office of Student Rights & Responsibilities (SRR)

The Office of Student Rights and Responsibilities staff is responsible for reviewing and handling student incident reports. The staff reviews the conduct of both individual students and student organizations in relation to standards set forth by the Arizona Board of Regents (ABOR). To file a report, submit an online form at: <https://eoss.asu.edu/dos/srr/filingreport>

University Rights & Responsibilities (URR)

The Office of University Rights & Responsibilities reviews and investigates concerns and allegations of discrimination or harassment involving faculty, staff, and other ASU affiliates. For more information, please call (480) 965-5057, email URR@asu.edu or visit: <https://urr.asu.edu/>

Filing a Police Report

Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- | | |
|--------------------------------------|---|
| - ASU Police: 480-965-3456 | - City of Phoenix Police: 602-262-6151 |
| - City of Mesa Police: 480-644-2211 | - City of Glendale Police: 623-930-3000 |
| - City of Tempe Police: 480-350-8311 | |

ASU Counseling Services

ASU Counseling Services offers **confidential**, personal counseling, and crisis services for students and prioritizes immediate access to services to ensure that all who request or need services can be seen within the same day. This is a confidential resource. Any information you share with counseling will not be shared with our office. To schedule an appointment, call (480) 965-6146. Students can communicate with counselors from anywhere and at any time through the [ASU Counseling Services Open Call/Open Chat](#). For more information please visit: <https://eoss.asu.edu/counseling>.

ASU Health Services

Health services is a confidential resource that is available to you. ASU is committed to the physical and emotional health and wellness of students. This is a **confidential resource**. To schedule an appointment, schedule an appointment by calling (480) 965-3349. For after-hours/weekend medical advice, call (800) 293-5775.

Student Advocacy and Assistance (SAA)

Student Advocacy and Assistance guides students in resolving educational, personal and other campus impediments toward successful completion of their academic goals. Please note that Student Advocacy and Assistance is **not a confidential resource**. To schedule an appointment with an Advocate, please call (480) 965-6547 or submit a request at: <https://eoss.asu.edu/dos/student-advocacy-and-assistance>.

- Guidance and assistance for students experiencing challenges with academics, housing, student employment, visa/immigration, financial aid and other student services areas.
- One-on-One consultation with students seeking guidance in resolving personal challenges and concerns.
- Assistance with administrative matters impacting academic persistence and success, including: Absence Letters, Course Incompletes, Course Withdrawals, Compassionate Withdrawals and Medical Withdrawals.
- Assists students and their families in connecting with community resources.

Sexual Violence Prevention Resources

If an incident of sexual misconduct or relationship violence occurs, options to report the incident, receive **confidential support**, and immediate assistance are available through on-campus and off-campus resources. In order to ensure all members of the ASU community have access to health and safety resources, ASU employees are mandatory reporters and must report allegations of sexual assault/harassment. For more information, please visit: <https://sexualviolenceprevention.asu.edu/>.

La Frontera/EMPACT Trauma Healing Program

The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

ASU LiveSafe Mobile App

The LiveSafe Mobile app has many benefits and useful tools for students. The app allows students to send ASU PD real-time, anonymous tips that include audio, pictures, text, and video.

- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 35



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

August 5, 2024

Michaela Koert

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Mikey:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on or around April 26-27, 2024, when an unauthorized encampment was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus until law enforcement arrested those remaining unlawfully on the Alumni Lawn and the encampment was removed.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. on Friday, April 26, 2024, protesters began occupying the Alumni Lawn and set up an unauthorized encampment. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, police initially arrested 3 individuals for trespass. ASU Police determined additional law enforcement resources were needed given the size of the encampment, the number of individuals present, and the fact that additional people and supplies were continuing to arrive.

Throughout Friday, April 26, ASU Police and other ASU representatives continued to monitor and address the safety of all participants while also asking those participating in the encampment to comply with university policy regarding tents, location, and amplification. As an 11:00 p.m. deadline to vacate the area approached, ASU Police worked with other law enforcement agencies to assemble personnel and plan for the clearing of the encampment and arrest of any individuals who refused to leave or became violent. This included closing the adjacent University Drive to

traffic for safety purposes and arranging for buses to transport arrestees for booking.

Beginning at approximately 10:40 p.m., repeated announcements were made to persons present at the Alumni Lawn encampment by ASU Police Commander Tony Momon using a highpowered amplification system. Each round of announcements was repeated from multiple locations around the Alumni Lawn to ensure persons present heard the announcements. The crowd yelled responses to Commander Momon, indicating that the crowd heard the announcements. Commander Momon's announcements advised those on the Alumni Lawn that the gathering was unlawful and commanded them to leave the Lawn and ASU property immediately or they would be arrested. Commander Momon repeated the announcement directing those on the Alumni Lawn to leave or face arrest at approximately 11:00 p.m. and 11:40 p.m.

At approximately 11:59 p.m., ASU Police began arresting individuals remaining on the Alumni Lawn in violation of Commander Momon's order to leave. Thereafter, on April 27, 2024, Commander Momon again repeated the announcement ordering persons to leave at approximately 12:36 a.m. and 1:00 a.m.

The evidence shows that you arrived at the Alumni Lawn encampment on April 26, 2027, in "late morning... with the intention of standing in solidarity with students advocating for the disclosure and divestment of financial ties with all companies, countries, and organizations funding the ongoing war in Gaza." You stated that you "willingly participated," spending most of your day "drumming on the green." You left at an unspecified time to take pain medication because of surgery you had the day before and returned at an unspecified time "later in the evening." You stated that you did not intend to stay overnight; however, you remained on the lawn and participated in the unauthorized encampment for many hours, including after the 11:00 p.m. deadline to leave.

Following the multiple announcements by ASU Police Commander Anthony Momon ordering individuals to leave the Alumni Lawn encampment or be arrested, you interlocked arms with other individuals remaining on the Alumni Lawn to make it more difficult for police to make arrests. At approximately 1:30 a.m., you were among a group who had interlocked arms on the Alumni Lawn and were arrested by police for criminal trespassing in the third degree. Prior to being arrested, you had observed others being arrested for approximately 90 minutes yet remained on the lawn.

While you said in your written statement to SRR that you "did not violate any student code of conduct of which i was or am aware," and that you thought it was "shocking" that you were "arrested for peacefully demonstrating," the totality of the circumstances proves these statements not credible. Announcements were made from multiple locations over the course of several hours using a high-amplification speaker system informing you that your presence was unlawful and directing you to leave or face arrest. The ninety minutes that elapsed between arrests beginning and your own arrest during which period you not only observed numerous arrests

occurring, but also interlocked arms with others to make it more difficult for police to make arrests, evidence your knowledge of the unlawfulness of your actions and your conscious choice to willfully disregard the police's orders to leave the Alumni Lawn and ASU property.

In an effort to mitigate your actions, you stated in your response to SRR that emergency services would have been called regardless of your presence because you did not organize the encampment event. Your statement fails to acknowledge the consequences of your actions. Regardless of whether you organized the encampment, your participation in the unauthorized encampment and refusal to leave the Alumni Lawn as repeatedly ordered contributed to the need for emergency personnel to be present and act to remove the encampment and those like you who remained unlawfully on the Alumni Lawn.

The preponderance of the evidence, including not only the multiple announcements made by Commander Momon but also the fact that your arrest occurred at approximately 1:30 a.m., after numerous arrests had been made, proves your disavowal of responsibility not credible and supports the conclusion that you knowingly remained unlawfully and in violation of University policy on the Alumni Lawn at the unauthorized encampment after being ordered to leave.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically section(s):

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - ABOR 7-201.A.1. University "grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access."
 - FAC 115: Overnight Use of University Property 5-308
- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance.

DECISION

Based on all information gathered and as a result of these findings, the sanction of **Suspension** is imposed through August 16, 2024. When determining the length of your suspension, the length of your interim suspension was taken into account. As such, your full suspension period is considered to have begun retroactively on the date you were placed on interim suspension.

The terms of this suspension period include the following:

- You are denied access from any university property, including but not limited to, real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. You are subject to arrest if you violate this directive.
- You are not permitted to participate in any university-sponsored activity.
- You are ineligible for admission, enrollment, re-enrollment or readmission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Arizona Board of Regents. For further information concerning this provision, please reference: <https://eoss.asu.edu/dos/srr/codeofconduct>.
- An administrative hold has been placed on your records and you will not be allowed to register for any classes.

ADDITIONAL OUTCOMES

In addition to your suspension, the following additional outcomes have been imposed:

- You are placed on administrative probation. Your administrative probation will conclude two years from the end date of your suspension or the completion of your conditions for return, whichever is later.
- You are to write a 5-page (12-point Times New Roman font, double-spaced, 1-inch margins) paper on the limitations on free speech, including but not limited to constitutional limits; time, place, and manner restrictions; and by whom and how speech can be declared unlawful. At a minimum, you are required to review and reference the materials on ASU's [free speech website](#) and ABOR's [free expression policy](#). You may also reference other materials of your choosing on the limitations of free speech. Your paper must be free of spelling and grammatical errors. This paper is not an opportunity to justify your behavior or decisions leading to the finding of responsibility. Incomplete papers or papers that do not meet the above requirements will be returned. You are to submit this assignment via email to deanofstudents@asu.edu no later than August 12, 2024.

CONDITIONS FOR RETURN

Should you desire to return to Arizona State University after your suspension period ends, you will first need to complete all outcomes listed above. In addition, you will need to meet with the Office of Student Rights and Responsibilities prior to the administrative hold being removed from your student account. The purpose of this meeting will be to review the completion of your conditions, discuss your reintegration into the university community, and develop strategies for compliance with the ABOR Student Code of Conduct upon your return.

DISCIPLINARY SANCTION APPEAL PROCESS

As per the ASU Student Code of Conduct Procedures, you have the right to an appeal when the sanction imposed includes suspension, expulsion, or degree revocation. The University Hearing Board is the body that conducts hearings for appeals.

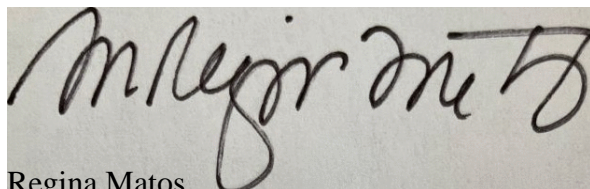
To request a hearing before a University Hearing Board, the suspended student must file a written request no later than five (5) business days following the date of notification. In your case, the written request for a hearing before the University Hearing Board must be delivered via email to deanofstudents@asu.edu no later than 11:59 p.m. ([AZ Time](#)) on **Monday, August 12, 2024**. Late appeal requests will not be considered.

An appeal will suspend the imposition of the suspension as stated in the Student Code of Conduct procedures. However, as also stated in those procedures, an appeal does not impact your interim suspension, which, in the event of an appeal, will remain in effect until the appeal process is concluded.

Please refer to the university [Student Code of Conduct Procedures](#) for information regarding appeal procedures. You may access the *ABOR Student Code of Conduct* here: <https://eoss.asu.edu/dos/srr/codeofconduct>.

If you have questions concerning this action, please contact the [Office of Student Rights and Responsibilities](#) at (480) 965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [Student Accessibility and Inclusive Learning Services](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Matos", is written over a light-colored background.

Regina Matos

Dean of Students - West Valley

A handwritten signature in black ink, appearing to read "Daniel Drane III". The signature is stylized with large, overlapping loops and a cursive script.

Daniel Drane III, Ed.D.

Dean of Students – Polytechnic

Student Rights and Responsibilities

Arizona State University

480-965-9170

CC: Michael Yancey

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

Arizona Board of Regents (ABOR) Student Code of Conduct

The Student Code of Conduct sets forth the standards of conduct expected of students who attend the three main universities in Arizona (ASU, UA, and NAU). These standards apply to both on-campus and off-campus behavior. Students who violate the Student Code of Conduct may be subject to administrative and educational sanctions. For more information, please visit: <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>

Notice of No Retaliation

ACD 401: *Prohibition against Discrimination, Harassment, and Retaliation* – Any individual who is part of the investigation process cannot retaliate against any individual who participates in the Student Rights and Responsibility investigation process. More information regarding this policy can be found at the following webpage: <https://www.asu.edu/aad/manuals/acd/acd401.html>

PROCEDURES

Arizona State University Code of Conduct Procedures

When the University is aware of a reported violation of the Student Code of Conduct, an investigation is conducted. Both parties are informed of the outcome of the investigation. The Code of Conduct Procedures can be found at the following webpage: https://eoss.asu.edu/sites/default/files/student_conduct_procedures_rev_6-23-2021_Cleryfinal.pdf

Interim Grievance Process for Formal Complaints of Title IX Sexual Harassment

Effective September 10, 2021, this procedure describes the process that will be followed by Arizona State University to resolve formal complaints of Title IX sexual harassment. Title IX sexual harassment is conduct, based on sex, that constitutes one or more of the following:

- Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ASU's education program or activity.
- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
- Any of the following specific acts of sexual harassment taking place within the United States and within an ASU education program or activity: sexual assault, dating violence, domestic violence, and stalking.

For more information, please visit: <https://provost.asu.edu/policies/procedures/p20a>

REPORTING OPTIONS

Office of Student Rights & Responsibilities (SRR)

The Office of Student Rights and Responsibilities staff is responsible for reviewing and handling student incident reports. The staff reviews the conduct of both individual students and student organizations in relation to standards set forth by the Arizona Board of Regents (ABOR). To file a report, submit an online form at: <https://eoss.asu.edu/dos/srr/filingreport>

University Rights & Responsibilities (URR)

The Office of University Rights & Responsibilities reviews and investigates concerns and allegations of discrimination or harassment involving faculty, staff, and other ASU affiliates. For more information, please call (480) 965-5057, email URR@asu.edu or visit: <https://urr.asu.edu/>

Filing a Police Report

Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- ASU Police: 480-965-3456
- City of Phoenix Police: 602-262-6151
- City of Mesa Police: 480-644-2211
- City of Glendale Police: 623-930-3000
- City of Tempe Police: 480-350-8311

ASU Counseling Services

ASU Counseling Services offers **confidential**, personal counseling, and crisis services for students and prioritizes immediate access to services to ensure that all who request or need services can be seen within the same day. This is a confidential resource. Any information you share with counseling will not be shared with our office. To schedule an appointment, call (480) 965-6146. Students can communicate with counselors from anywhere and at any time through the [ASU Counseling Services Open Call/Open Chat](#). For more information please visit: <https://eoss.asu.edu/counseling>.

ASU Health Services

Health services is a confidential resource that is available to you. ASU is committed to the physical and emotional health and wellness of students. This is a **confidential resource**. To schedule an appointment, schedule an appointment by calling (480) 965-3349. For after-hours/weekend medical advice, call (800) 293-5775.

Student Advocacy and Assistance (SAA)

Student Advocacy and Assistance guides students in resolving educational, personal and other campus impediments toward successful completion of their academic goals. Please note that Student Advocacy and Assistance is **not a confidential resource**. To schedule an appointment with an Advocate, please call (480) 965-6547 or submit a request at: <https://eoss.asu.edu/dos/student-advocacy-and-assistance>.

- Guidance and assistance for students experiencing challenges with academics, housing, student employment, visa/immigration, financial aid and other student services areas.
- One-on-One consultation with students seeking guidance in resolving personal challenges and concerns.
- Assistance with administrative matters impacting academic persistence and success, including: Absence Letters, Course Incompletes, Course Withdrawals, Compassionate Withdrawals and Medical Withdrawals.
- Assists students and their families in connecting with community resources.

Sexual Violence Prevention Resources

If an incident of sexual misconduct or relationship violence occurs, options to report the incident, receive **confidential support**, and immediate assistance are available through on-campus and off-campus resources. In order to ensure all members of the ASU community have access to health and safety resources, ASU employees are mandatory reporters and must report allegations of sexual assault/harassment. For more information, please visit: <https://sexualviolenceprevention.asu.edu/>.

La Frontera/EMPACT Trauma Healing Program

The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

ASU LiveSafe Mobile App

The LiveSafe Mobile app has many benefits and useful tools for students. The app allows students to send ASU PD real-time, anonymous tips that include audio, pictures, text, and video.

- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 36



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

July 31, 2024

Jose Maciel

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Jose:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on or around April 26-27, 2024, when an unauthorized encampment was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus until law enforcement arrested those remaining unlawfully on the Alumni Lawn and the encampment was removed.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. on Friday, April 26, 2024, protesters began occupying the Alumni Lawn and set up an unauthorized encampment. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, police initially arrested 3 individuals for trespass. ASU Police determined additional law enforcement resources were needed given the size of the encampment, the number of individuals present, and the fact that additional people and supplies were continuing to arrive.

Throughout Friday, April 26, ASU Police and other ASU representatives continued to monitor and address the safety of all participants while also asking those participating in the encampment to comply with university policy regarding tents, location, and amplification. As an 11:00 p.m. deadline to vacate the area approached, ASU Police worked with other law enforcement agencies to assemble personnel and plan for the clearing of the encampment and arrest of any individuals who refused to leave or became violent. This included closing the adjacent

University Drive to traffic for safety purposes and arranging for buses to transport arrestees for booking.

Beginning at approximately 10:40 p.m., repeated announcements were made to persons present at the Alumni Lawn encampment by ASU Police Commander Anthony Momon using a high-powered amplification system. Each round of announcements was repeated from multiple locations around the Alumni Lawn to ensure persons present heard the announcements. The crowd yelled responses to Commander Momon, indicating that the crowd heard the announcements. Commander Momon's announcements advised those on the Alumni Lawn that the gathering was unlawful and commanded them to leave the Lawn and ASU property immediately or they would be arrested. Commander Momon repeated the announcement directing those on the Alumni Lawn to leave or face arrest at approximately 11:00 p.m. and 11:40 p.m.

At approximately 11:59 p.m., ASU Police began arresting individuals remaining on the Alumni Lawn in violation of Commander Momon's order to leave. Thereafter, on April 27, 2024, Commander Momon again repeated the announcement ordering persons to leave at approximately 12:36 a.m. and 1:00 a.m.

The evidence shows that you went to the site of the encampment around sunset after being made aware of it through social media. You told the SRR investigator in your written statement that you did not bring anything for an overnight stay and only went with the intent "to express love, peace, and solidarity." However, you actively participated in the encampment and remained at the encampment after 11:00 p.m.

Following the multiple announcements by ASU Police Commander Anthony Momon ordering individuals to leave the Alumni Lawn encampment or be arrested, you interlocked arms with other protesters on the Alumni Lawn to make it more difficult for police to arrest individuals remaining on Alumni Lawn. At approximately 1:30 a.m., you were among a group who had interlocked arms on the Alumni Lawn when you were taken into custody by ASUPD and charged with criminal trespassing.

In your statement, you said that no warnings were given despite multiple announcements being made from various locations over the course of several hours using an amplified speaker system. You also stated that you were never under the assumption that you were violating the code of conduct despite all announcements stating that your presence at the encampment was unlawful. The preponderance of the evidence, including not only the multiple announcements made by Commander Momon but also the fact that your arrest occurred at approximately 1:30 a.m., after numerous arrests had been made, proves your statement not credible and supports the conclusion that you knowingly remained on the Alumni Lawn at the unauthorized encampment after being ordered to leave.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically section(s):

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - ABOR 7-201.A.1. University “grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.”
 - FAC 115: Overnight Use of University Property
- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance

DECISION

Based on all information gathered and as a result of these findings, the sanction of **Suspension** is imposed through August 16, 2024. When determining the length of your suspension, the length of your interim suspension was taken into account. As such, your full suspension period is considered to have begun retroactively on the date you were placed on interim suspension.

The terms of this suspension period include the following:

- You are denied access from any university property, including but not limited to, real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. You are subject to arrest if you violate this directive.
- You are not permitted to participate in any university-sponsored activity.
- You are ineligible for admission, enrollment, re-enrollment or readmission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Arizona Board of Regents. For further information concerning this provision, please reference: <https://eoss.asu.edu/dos/srr/codeofconduct>.
- An administrative hold has been placed on your records and you will not be allowed to

register for any classes.

ADDITIONAL OUTCOMES

- You are placed on administrative probation. Your administrative probation will conclude two years from the end date of your suspension or the completion of your conditions for return, whichever is later.
- You are to write a 5-page (12-point Times New Roman font, double-spaced, 1-inch margins) paper on the limitations on free speech, including but not limited to constitutional limits; time, place, and manner restrictions; and by whom and how speech can be declared unlawful. At a minimum, you are required to review and reference the materials on ASU's [free speech website](#) and ABOR's [free expression policy](#). You may also reference other materials of your choosing on the limitations of free speech. Your paper must be free of spelling and grammatical errors. This paper is not an opportunity to justify your behavior or decisions leading to the finding of responsibility. Incomplete papers or papers that do not meet the above requirements will be returned. You are to submit this assignment via email to deanofstudents@asu.edu no later than August 9, 2024.

CONDITIONS FOR RETURN

Should you desire to return to Arizona State University after your suspension period ends, you will first need to complete all outcomes listed above. In addition, you will need to meet with the Office of Student Rights and Responsibilities prior to the administrative hold being removed from your student account. The purpose of this meeting will be to review the completion of your conditions, discuss your reintegration into the university community, and develop strategies for compliance with the ABOR Student Code of Conduct upon your return.

DISCIPLINARY SANCTION APPEAL PROCESS

As per the ASU Student Code of Conduct Procedures, you have the right to an appeal when the sanction imposed includes suspension, expulsion, or degree revocation. The University Hearing Board is the body that conducts hearings for appeals.

To request a hearing before a University Hearing Board, the suspended student must file a written request no later than five (5) business days following the date of notification. In your case, the written request for a hearing before the University Hearing Board must be delivered via email to deanofstudents@asu.edu no later than 11:59 p.m. ([AZ Time](#)) on **Thursday, August 8, 2024**. Late appeal requests will not be considered.

An appeal will suspend the imposition of the suspension as stated in the Student Code of Conduct procedures. However, as also stated in those procedures, an appeal does not impact your interim suspension, which, in the event of an appeal, will remain in effect until the appeal

process is concluded.

Please refer to the university [*Student Code of Conduct Procedures*](#) for information regarding appeal procedures. You may access the *ABOR Student Code of Conduct* here: <https://eooss.asu.edu/dos/srr/codeofconduct>.

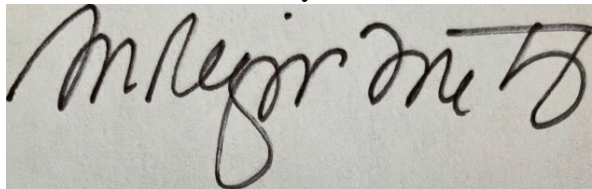
If you have questions concerning this action, please contact the [*Office of Student Rights and Responsibilities*](#) at (480) 965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [*Student Accessibility and Inclusive Learning Services*](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Drane III". The signature is fluid and cursive, with the last name "Drane" being particularly prominent.

Daniel Drane III, Ed.D.

Dean of Students – Polytechnic

A handwritten signature in black ink, appearing to read "Regina Matos". The signature is cursive and somewhat stylized, with the first name "Regina" being the most legible part.

Regina Matos

Dean of Students - West Valley

Student Rights and Responsibilities
Arizona State University
480-965-9170

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

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PROCEDURES

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- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
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REPORTING OPTIONS

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Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- | | |
|--------------------------------------|---|
| - ASU Police: 480-965-3456 | - City of Phoenix Police: 602-262-6151 |
| - City of Mesa Police: 480-644-2211 | - City of Glendale Police: 623-930-3000 |
| - City of Tempe Police: 480-350-8311 | |

ASU Counseling Services

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The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

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- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 37



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

August 2, 2024

Noor Odeh

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Noor:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on or around April 26-27, 2024, when an unauthorized encampment was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus until law enforcement arrested those remaining unlawfully on the Alumni Lawn and the encampment was removed.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. on Friday, April 26, 2024, protesters began occupying the Alumni Lawn and set up an unauthorized encampment. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, police initially arrested 3 individuals for trespass. ASU Police determined additional law enforcement resources were needed given the size of the encampment, the number of individuals present, and the fact that additional people and supplies were continuing to arrive.

Throughout Friday, April 26, ASU Police and other ASU representatives continued to monitor and address the safety of all participants while also asking those participating in the encampment to comply with university policy regarding tents, location, and amplification. As an 11:00 p.m. deadline to vacate the area approached, ASU Police worked with other law enforcement agencies to assemble personnel and plan for the clearing of the encampment and arrest of any individuals who refused to leave or became violent. This included closing the adjacent University Drive to

traffic for safety purposes and arranging for buses to transport arrestees for booking.

Beginning at approximately 10:40 p.m., repeated announcements were made to persons present at the Alumni Lawn encampment by ASU Police Commander Tony Momon using a highpowered amplification system. Each round of announcements was repeated from multiple locations around the Alumni Lawn to ensure persons present heard the announcements. The crowd yelled responses to Commander Momon, indicating that the crowd heard the announcements. Commander Momon's announcements advised those on the Alumni Lawn that the gathering was unlawful and commanded them to leave the Lawn and ASU property immediately or they would be arrested. Commander Momon repeated the announcement directing those on the Alumni Lawn to leave or face arrest at approximately 11:00 p.m. and 11:40 p.m.

At approximately 11:59 p.m., ASU Police began arresting individuals remaining on the Alumni Lawn in violation of Commander Momon's order to leave. Thereafter, on April 27, 2024, Commander Momon again repeated the announcement ordering persons to leave at approximately 12:36 a.m. and 1:00 a.m.

The evidence shows that you went to the unauthorized Alumni Lawn encampment on April 26, 2027, at an unknown time to call "for the university to divest from companies that profit from war." You stated that you did not intend to stay overnight. However, you remained on the Alumni Lawn and participated in the unauthorized encampment, including chanting and singing, after the 11:00 p.m. deadline.

Following the multiple announcements by ASU Police Commander Anthony Momon ordering individuals to leave the Alumni Lawn encampment or be arrested, you interlocked arms with other individuals remaining on the Alumni Lawn to make it more difficult for police to make arrests. At approximately 1:50 a.m., you were among a group who had interlocked arms on the Alumni Lawn and were arrested by police for criminal trespassing in the third degree. Prior to being arrested, you had observed others being arrested for nearly two hours yet remained on the lawn.

In your statement, you wrote, "If I made a mistake I accept responsibility" but then went on to say that you don't understand why your "school would want to suspend someone like" you. You also stated that it was your right to be there despite all announcements stating that your presence at the encampment was unlawful and directing those present to leave or face arrest. The preponderance of the evidence, including not only the multiple announcements made by Commander Momon but also the fact that your arrest occurred at approximately 1:50 a.m., after numerous arrests had been made, proves your statement not credible and supports the conclusion that you knowingly remained on the Alumni Lawn at the unauthorized encampment after being ordered to leave.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically section(s):

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - ABOR 7-201.A.1. University “grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.”
 - FAC 115: Overnight Use of University Property
- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance.

DECISION

Based on all information gathered and as a result of these findings, the sanction of **Suspension** is imposed through August 16, 2024. When determining the length of your suspension, the length of your interim suspension was taken into account. As such, your full suspension period is considered to have begun retroactively on the date you were placed on interim suspension.

The terms of this suspension period include the following:

- You are denied access from any university property, including but not limited to, real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. You are subject to arrest if you violate this directive.
- You are not permitted to participate in any university-sponsored activity.
- You are ineligible for admission, enrollment, re-enrollment or readmission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Arizona Board of Regents. For further information concerning this provision, please reference: <https://eoss.asu.edu/dos/srr/codeofconduct>.
- An administrative hold has been placed on your records and you will not be allowed to

register for any classes.

ADDITIONAL OUTCOMES

In addition to your suspension, the following additional outcomes have been imposed:

- You are placed on administrative probation. Your administrative probation will conclude two years from the end date of your suspension or the completion of your conditions for return, whichever is later.
- You are to write a 5-page (12-point Times New Roman font, double-spaced, 1-inch margins) paper on the limitations on free speech, including but not limited to constitutional limits; time, place, and manner restrictions; and by whom and how speech can be declared unlawful. At a minimum, you are required to review and reference the materials on ASU's [free speech website](#) and ABOR's [free expression policy](#). You may also reference other materials of your choosing on the limitations of free speech. Your paper must be free of spelling and grammatical errors. This paper is not an opportunity to justify your behavior or decisions leading to the finding of responsibility. Incomplete papers or papers that do not meet the above requirements will be returned. You are to submit this assignment via email to deanofstudents@asu.edu no later than August 9, 2024.

CONDITIONS FOR RETURN

Should you desire to return to Arizona State University after your suspension period ends, you will first need to complete all outcomes listed above. In addition, you will need to meet with the Office of Student Rights and Responsibilities prior to the administrative hold being removed from your student account. The purpose of this meeting will be to review the completion of your conditions, discuss your reintegration into the university community, and develop strategies for compliance with the ABOR Student Code of Conduct upon your return.

DISCIPLINARY SANCTION APPEAL PROCESS

As per the ASU Student Code of Conduct Procedures, you have the right to an appeal when the sanction imposed includes suspension, expulsion, or degree revocation. The University Hearing Board is the body that conducts hearings for appeals.

To request a hearing before a University Hearing Board, the suspended student must file a written request no later than five (5) business days following the date of notification. In your case, the written request for a hearing before the University Hearing Board must be delivered via email to deanofstudents@asu.edu no later than 11:59 p.m. ([AZ Time](#)) on **Monday, August 12, 2024**. Late appeal requests will not be considered.

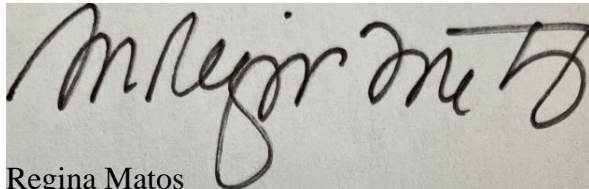
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Conduct procedures. However, as also stated in those procedures, an appeal does not impact your interim suspension, which, in the event of an appeal, will remain in effect until the appeal process is concluded.

Please refer to the university [Student Code of Conduct Procedures](#) for information regarding appeal procedures. You may access the *ABOR Student Code of Conduct* here: <https://eooss.asu.edu/dos/srr/codeofconduct>.

If you have questions concerning this action, please contact the [Office of Student Rights and Responsibilities](#) at (480) 965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [Student Accessibility and Inclusive Learning Services](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Matos".

Regina Matos
Dean of Students - West Valley

A handwritten signature in black ink, appearing to read "Daniel Drane III".

Daniel Drane III, Ed.D.
Dean of Students – Polytechnic

Student Rights and Responsibilities
Arizona State University
480-965-9170

CC: David Chami

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

Arizona Board of Regents (ABOR) Student Code of Conduct

The Student Code of Conduct sets forth the standards of conduct expected of students who attend the three main universities in Arizona (ASU, UA, and NAU). These standards apply to both on-campus and off-campus behavior. Students who violate the Student Code of Conduct may be subject to administrative and educational sanctions. For more information, please visit: <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>

Notice of No Retaliation

ACD 401: *Prohibition against Discrimination, Harassment, and Retaliation* – Any individual who is part of the investigation process cannot retaliate against any individual who participates in the Student Rights and Responsibility investigation process. More information regarding this policy can be found at the following webpage: <https://www.asu.edu/aad/manuals/acd/acd401.html>

PROCEDURES

Arizona State University Code of Conduct Procedures

When the University is aware of a reported violation of the Student Code of Conduct, an investigation is conducted. Both parties are informed of the outcome of the investigation. The Code of Conduct Procedures can be found at the following webpage: https://eoss.asu.edu/sites/default/files/student_conduct_procedures_rev_6-23-2021_Cleryfinal.pdf

Interim Grievance Process for Formal Complaints of Title IX Sexual Harassment

Effective September 10, 2021, this procedure describes the process that will be followed by Arizona State University to resolve formal complaints of Title IX sexual harassment. Title IX sexual harassment is conduct, based on sex, that constitutes one or more of the following:

- Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ASU's education program or activity.
- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
- Any of the following specific acts of sexual harassment taking place within the United States and within an ASU education program or activity: sexual assault, dating violence, domestic violence, and stalking.

For more information, please visit: <https://provost.asu.edu/policies/procedures/p20a>

REPORTING OPTIONS

Office of Student Rights & Responsibilities (SRR)

The Office of Student Rights and Responsibilities staff is responsible for reviewing and handling student incident reports. The staff reviews the conduct of both individual students and student organizations in relation to standards set forth by the Arizona Board of Regents (ABOR). To file a report, submit an online form at: <https://eoss.asu.edu/dos/srr/filingreport>

University Rights & Responsibilities (URR)

The Office of University Rights & Responsibilities reviews and investigates concerns and allegations of discrimination or harassment involving faculty, staff, and other ASU affiliates. For more information, please call (480) 965-5057, email URR@asu.edu or visit: <https://urr.asu.edu/>

Filing a Police Report

Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- ASU Police: 480-965-3456
- City of Phoenix Police: 602-262-6151
- City of Mesa Police: 480-644-2211
- City of Glendale Police: 623-930-3000
- City of Tempe Police: 480-350-8311

ASU Counseling Services

ASU Counseling Services offers **confidential**, personal counseling, and crisis services for students and prioritizes immediate access to services to ensure that all who request or need services can be seen within the same day. This is a confidential resource. Any information you share with counseling will not be shared with our office. To schedule an appointment, call (480) 965-6146. Students can communicate with counselors from anywhere and at any time through the [ASU Counseling Services Open Call/Open Chat](#). For more information please visit: <https://eoss.asu.edu/counseling>.

ASU Health Services

Health services is a confidential resource that is available to you. ASU is committed to the physical and emotional health and wellness of students. This is a **confidential resource**. To schedule an appointment, schedule an appointment by calling (480) 965-3349. For after-hours/weekend medical advice, call (800) 293-5775.

Student Advocacy and Assistance (SAA)

Student Advocacy and Assistance guides students in resolving educational, personal and other campus impediments toward successful completion of their academic goals. Please note that Student Advocacy and Assistance is **not a confidential resource**. To schedule an appointment with an Advocate, please call (480) 965-6547 or submit a request at: <https://eoss.asu.edu/dos/student-advocacy-and-assistance>.

- Guidance and assistance for students experiencing challenges with academics, housing, student employment, visa/immigration, financial aid and other student services areas.
- One-on-One consultation with students seeking guidance in resolving personal challenges and concerns.
- Assistance with administrative matters impacting academic persistence and success, including: Absence Letters, Course Incompletes, Course Withdrawals, Compassionate Withdrawals and Medical Withdrawals.
- Assists students and their families in connecting with community resources.

Sexual Violence Prevention Resources

If an incident of sexual misconduct or relationship violence occurs, options to report the incident, receive **confidential support**, and immediate assistance are available through on-campus and off-campus resources. In order to ensure all members of the ASU community have access to health and safety resources, ASU employees are mandatory reporters and must report allegations of sexual assault/harassment. For more information, please visit: <https://sexualviolenceprevention.asu.edu/>.

La Frontera/EMPACT Trauma Healing Program

The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

ASU LiveSafe Mobile App

The LiveSafe Mobile app has many benefits and useful tools for students. The app allows students to send ASU PD real-time, anonymous tips that include audio, pictures, text, and video.

- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 38



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

August 2, 2024

Nolan Quinn

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Nolan:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on or around April 26-27, 2024, when an unauthorized encampment was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus until law enforcement arrested those remaining unlawfully on the Alumni Lawn and the encampment was removed.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. on Friday, April 26, 2024, protesters began occupying the Alumni Lawn and set up an unauthorized encampment. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, police initially arrested 3 individuals for trespass. ASU Police determined additional law enforcement resources were needed given the size of the encampment, the number of individuals present, and the fact that additional people and supplies were continuing to arrive.

Throughout Friday, April 26, ASU Police and other ASU representatives continued to monitor and address the safety of all participants while also asking those participating in the encampment to comply with university policy regarding tents, location, and amplification. As an 11:00 p.m. deadline to vacate the area approached, ASU Police worked with other law enforcement agencies to assemble personnel and plan for the clearing of the encampment and arrest of any individuals who refused to leave or became violent. This included closing the adjacent University Drive to

traffic for safety purposes and arranging for buses to transport arrestees for booking.

Beginning at approximately 10:40 p.m., repeated announcements were made to persons present at the Alumni Lawn encampment by ASU Police Commander Tony Momon using a highpowered amplification system. Each round of announcements was repeated from multiple locations around the Alumni Lawn to ensure persons present heard the announcements. The crowd yelled responses to Commander Momon, indicating that the crowd heard the announcements. Commander Momon's announcements advised those on the Alumni Lawn that the gathering was unlawful and commanded them to leave the Lawn and ASU property immediately or they would be arrested. Commander Momon repeated the announcement directing those on the Alumni Lawn to leave or face arrest at approximately 11:00 p.m. and 11:40 p.m.

At approximately 11:59 p.m., ASU Police began arresting individuals remaining on the Alumni Lawn in violation of Commander Momon's order to leave. Thereafter, on April 27, 2024, Commander Momon again repeated the announcement ordering persons to leave at approximately 12:36 a.m. and 1:00 a.m.

The evidence shows that you went alone to the unauthorized Alumni Lawn encampment on April 26, 2027, at an unknown time after learning about it through word of mouth. You left at an unknown time and returned back to the unauthorized encampment later that night at an unknown time. You did not say why you went to the encampment. You stated that you did not intend to stay overnight and did not bring any equipment to camp overnight because you had more coursework to complete. However, you remained on the Alumni Lawn and participated in the unauthorized encampment after the 11:00 p.m. deadline.

Following the multiple announcements by ASU Police Commander Anthony Momon ordering individuals to leave the Alumni Lawn encampment or be arrested, you interlocked arms with other individuals remaining on the Alumni Lawn to make it more difficult for police to make arrests. At approximately 1:03 a.m., you were among a group who had interlocked arms on the Alumni Lawn and were arrested by police for criminal trespassing in the third degree. Prior to being arrested, you had observed others being arrested for over an hour yet remained on the lawn.

In your statement, you wrote that you were "unsure if [you were] permitted to leave." However, all announcements, which were made from multiple locations over the course of several hours using a high-amplification speaker system, stated that your presence at the encampment was unlawful and directed those present to leave or face arrest. The preponderance of the evidence, including not only the multiple announcements made by Commander Momon but also the fact that your arrest occurred at approximately 1:03 a.m., after numerous arrests had been made, proves your statement not credible and supports the conclusion that you knowingly remained on the Alumni Lawn at the unauthorized encampment after being ordered to leave.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically section(s):

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - ABOR 7-201.A.1. University “grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.”
 - FAC 115: Overnight Use of University Property
- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance

DECISION

Based on all information gathered and as a result of these findings, the sanction of **Suspension** is imposed through August 16, 2024. When determining the length of your suspension, the length of your interim suspension was taken into account. As such, your full suspension period is considered to have begun retroactively on the date you were placed on interim suspension.

The terms of this suspension period include the following:

- You are denied access from any university property, including but not limited to, real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. You are subject to arrest if you violate this directive.
- You are not permitted to participate in any university-sponsored activity.
- You are ineligible for admission, enrollment, re-enrollment or readmission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Arizona Board of Regents. For further information concerning this provision, please

reference: <https://eoss.asu.edu/dos/srr/codeofconduct>.

- An administrative hold has been placed on your records and you will not be allowed to register for any classes.

ADDITIONAL OUTCOMES

In addition to your suspension, the following additional outcomes have been imposed:

- You are placed on administrative probation. Your administrative probation will conclude two years from the end date of your suspension or the completion of your conditions for return, whichever is later.
- You are to write a 5-page (12-point Times New Roman font, double-spaced, 1-inch margins) paper on the limitations on free speech, including but not limited to constitutional limits; time, place, and manner restrictions; and by whom and how speech can be declared unlawful. At a minimum, you are required to review and reference the materials on ASU's [free speech website](#) and ABOR's [free expression policy](#). You may also reference other materials of your choosing on the limitations of free speech. Your paper must be free of spelling and grammatical errors. This paper is not an opportunity to justify your behavior or decisions leading to the finding of responsibility. Incomplete papers or papers that do not meet the above requirements will be returned. You are to submit this assignment via email to deanofstudents@asu.edu no later than August 9, 2024.

CONDITIONS FOR RETURN

Should you desire to return to Arizona State University after your suspension period ends, you will first need to complete all outcomes listed above. In addition, you will need to meet with the Office of Student Rights and Responsibilities prior to the administrative hold being removed from your student account. The purpose of this meeting will be to review the completion of your conditions, discuss your reintegration into the university community, and develop strategies for compliance with the ABOR Student Code of Conduct upon your return.

DISCIPLINARY SANCTION APPEAL PROCESS

As per the ASU Student Code of Conduct Procedures, you have the right to an appeal when the sanction imposed includes suspension, expulsion, or degree revocation. The University Hearing Board is the body that conducts hearings for appeals.

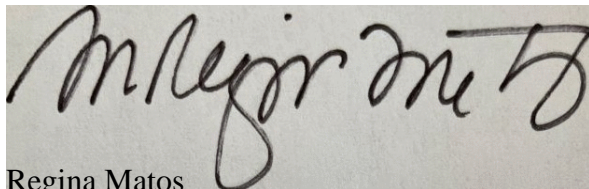
To request a hearing before a University Hearing Board, the suspended student must file a written request no later than five (5) business days following the date of notification. In your case, the written request for a hearing before the University Hearing Board must be delivered via email to deanofstudents@asu.edu no later than 11:59 p.m. ([AZ Time](#)) on **Monday, August 12, 2024**. Late appeal requests will not be considered.

An appeal will suspend the imposition of the suspension as stated in the Student Code of Conduct procedures. However, as also stated in those procedures, an appeal does not impact your interim suspension, which, in the event of an appeal, will remain in effect until the appeal process is concluded.

Please refer to the university [*Student Code of Conduct Procedures*](#) for information regarding appeal procedures. You may access the *ABOR Student Code of Conduct* here: <https://eoss.asu.edu/dos/srr/codeofconduct>.


If you have questions concerning this action, please contact the [Office of Student Rights and Responsibilities](#) at (480) 965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [Student Accessibility and Inclusive Learning Services](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Matos".

Regina Matos

Dean of Students - West Valley

A handwritten signature in black ink, appearing to read "Daniel Drane III".

Daniel Drane III, Ed.D.

Dean of Students – Polytechnic

Student Rights and Responsibilities
Arizona State University
480-965-9170

CC: Adam Hubbi

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

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ACD 401: *Prohibition against Discrimination, Harassment, and Retaliation* – Any individual who is part of the investigation process cannot retaliate against any individual who participates in the Student Rights and Responsibility investigation process. More information regarding this policy can be found at the following webpage: <https://www.asu.edu/aad/manuals/acd/acd401.html>

PROCEDURES

Arizona State University Code of Conduct Procedures

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- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
- Any of the following specific acts of sexual harassment taking place within the United States and within an ASU education program or activity: sexual assault, dating violence, domestic violence, and stalking.

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REPORTING OPTIONS

Office of Student Rights & Responsibilities (SRR)

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Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- | | |
|--------------------------------------|---|
| - ASU Police: 480-965-3456 | - City of Phoenix Police: 602-262-6151 |
| - City of Mesa Police: 480-644-2211 | - City of Glendale Police: 623-930-3000 |
| - City of Tempe Police: 480-350-8311 | |

ASU Counseling Services

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- Guidance and assistance for students experiencing challenges with academics, housing, student employment, visa/immigration, financial aid and other student services areas.
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The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

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- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 39



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

November 4, 2024

Harry Smith

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

Dear Lakin:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on April 26, 2024, when you were arrested during your involvement in an unauthorized encampment that was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and considering that evidence based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Arizona Board of Regents (ABOR) Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. Friday, April 26, 2024, you were among other individuals who began setting up tents and other materials creating an unauthorized encampment occupying the Alumni Lawn. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, you were among the three individuals initially arrested for trespass.

The masslibaz video posted to social media shows that you were among those who arrived at the Alumni Lawn on April 26, 2024, around 8:45 a.m. The video captures you working in concert with others to set up the unauthorized encampment on the Alumni Lawn. You are seen going back and forth between the Student Health Center parking lot and the Alumni Lawn carrying various materials that were used to erect the encampment including tents and other camping equipment and other materials used in the encampment. The masslibaz video and ASUPD body worn camera video capture you assembling tents in the encampment on the Alumni Lawn. In your interview with SRR, you admitted to assisting with moving equipment and helping set up of

the unauthorized encampment.

When ASUPD officers first responded to the call that an encampment was being erected on the Alumni Lawn, their body worn camera video records you working with William “Bill” Whitmire (later identified by others at the encampment as an encampment organizer) to set up a tent in the southeast corner of the Alumni Lawn. As body worn camera video shows, the ASUPD officers were approximately within 15-20 feet of where you were working with Whitmire to set up the tent when the police begin asking who was the organizer. At this point, the officer’s body worn camera video records Whitmire moving closer to you and it appears he may be speaking to you. After one of the males at the easy up tent immediately adjacent to the area where you and Whitmire have been setting up the smaller tent call out to “Bill” identifying him to police as an organizer, the police body worn camera video records you in close enough proximity that it is reasonable to assume you heard police telling Whitmire the tents had to be removed before you started walking northward further into the encampment as Whitmire walked away from police after being told the tents had to come down and protesters were trespassing.

The police body worn camera video shows that after Whitmire left police walking north into the encampment and through the encampment looping back south towards police, it appears that you and he crossed paths in the same general vicinity within the encampment occupying the Alumni Lawn. Shortly thereafter, the police body worn camera video records you starting to chant using a bullhorn, and in response shortly thereafter an individual who sounds like Whitmire is heard saying “turn it up”. This evidence supports a reasonable inference that you and Whitmire were coordinating your activities.

Further supporting a conclusion that you and Whitmire were coordinating your activities in the encampment is the body worn camera video that records your continuing to watch Whitmire’s movements through the encampment as he proceeds south on the Alumni Lawn as if he were going to return to police before again turning north heading back in your direction where he then stops under an easy up that is in close proximity to where you are seen continuing to chant with the bullhorn while you are turned towards him appearing to watch him.

At approximately 9:01 a.m., as shown on ASUPD body worn camera video, you are seen still in proximity to the easy up tent from which Whitmire has walked back to speak with ASU police and you are facing toward Whitmire’s interaction with police. The video shows that while you continue chanting using the bullhorn, you are continuing to watch Whitmire who the video records being told by ASU police that the tents must come down and protesters must leave the Alumni Lawn or will be arrested. At approximately 9:02 a.m., as shown in the ASUPD body worn camera video, you witnessed Bill Whitmire being arrested for trespassing.

While Whitmire was being arrested, you were using an amplification device (megaphone) to shout chants to those gathered at the unauthorized encampment. Following Whitmire’s arrest, as shown in the ASUPD report excerpts and the police body worn camera video, Ofc. Padilla, who is turned in your direction, announces to those present, “Okay, who wants to be next. You guys

have got to leave.” At about the same time, Sgt. Latella who is also turned in your direction says to those present, “Seriously guys, you’re trespassing,” before he points at you and walks toward you and places you under arrest.

ABOR 5-308.F.4. prohibits violation of, or attempt to violate, other rules that may be adopted by the Board of the university. ASU’s amplification policy (SSM 802-3) in effect on April 26, 2024, limited amplification to reserved spaces, including the Alumni Lawn, to the hours of 11:30 a.m. to 1 p.m. and 5 p.m. to 10 p.m. Monday through Friday. You were using amplification at approximately 9:03 a.m. on a Friday, which is outside of the specified hours. When police approached you, you immediately dropped the amplification device and were subsequently arrested for criminal trespass in the third degree (ARS 13-1502). The preponderance of the evidence therefore shows your use of amplification violated SSM 802-3, and as a result, we find you responsible for violating ABOR 5-308.F.4.

University policy FAC 115 provides that “no person shall camp or erect any structure or use any camp paraphernalia... on any university property.” You admitted that you helped erect tents in the Alumni Lawn encampment and video shows you carrying other camp paraphernalia to the Alumni Lawn that was used in the unauthorized encampment. The preponderance of the evidence therefore shows your actions violated FAC 115, and as a result, we find you responsible for a second violation of ABOR 5-308.F.4.

ABOR 7-201, provides that the grounds and properties of the university are “devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.” Permission was neither sought nor obtained from ABOR or ASU authorizing the use of the Alumni Lawn for the April 26 encampment. The masslibaz video shows the banner erected on the Alumni Lawn by protesters declared the encampment a “Liberated Zone” with you seen in the background continuing to set up the encampment equipment. Thus, it is clear through your participation in the setup of the encampment and the express statement declaring the area a liberated zone, that it was your and the other protesters’ intent to take control of the Alumni Lawn property and use it for your own personal encampment purposes. Your actions in helping set up tents and equipment in the unauthorized encampment that occupied the Alumni Lawn deprived ASU of the regular use of the Alumni Lawn. Therefore, we find by a preponderance of the evidence that you violated ABOR 7-201, and as a result, we find you responsible for a third violation of ABOR 5-308.F.4.

ABOR 5-308.F.9. prohibits the unauthorized presence in or unauthorized use of university property, resources, or facilities. As discussed above, ABOR 7-201 states university property is not a place of unrestricted public access and the property of the university is reserved for the exclusive use of the university. The encampment, which you admittedly helped set up by erecting tents and carrying equipment used in the encampment to the Alumni Lawn, was not authorized, and by “liberating” and occupying the Alumni Lawn space you and the other occupants you worked together with took it and used it for your own personal, private activity

without authorization. Therefore, we find by a preponderance of the evidence that you violated ABOR 5-308.F.9.

ABOR 5-308.F.11. prohibits “[i]nterfering with or disrupting university or university-sponsored activities, including but not limited to classroom-related activities, studying, teaching, research, intellectual or creative endeavor, administration, service, or the provision of communication, computing, or emergency services. As noted above, your activity in helping set up the encampment that occupied the Alumni Lawn was an unauthorized use of the Alumni Lawn and deprived the university from the regular use of the Alumni Lawn. April 26 was the day before exams were scheduled to begin, and the Alumni Lawn encampment was immediately adjacent to Durham Hall, an academic building, where academic activities were occurring. Additionally, as documented in the ASUPD report excerpts, because the encampment was erected, ASU police had to be called to the Alumni Lawn to respond to the encampment. We find by a preponderance of the evidence that the set up and establishment of the encampment on the Alumni Lawn in and of itself interfered with and disrupted university activities by taking Alumni Lawn for an unauthorized purpose. Additionally, we find that but for your and the others’ set up of the encampment on the Alumni Lawn, ASU police would not have had to be called to the Alumni Lawn that morning which further interfered with and disrupted the regular operations of the University. Accordingly, we find by a preponderance of the evidence that you violated ABOR 5-308.F.11.

While the trespass citation for which you were arrested was originally dismissed for failing to state probable cause, the trespass charge was subsequently refiled with the Maricopa County Attorney’s Office, and it declined to prosecute. The decision not to prosecute the trespass charge, however, does not mean that you did not commit trespass in violation of the law, which would violate ABOR 5-308.F.26. Therefore, our investigation included determining whether your actions constituted trespassing in the third degree. Under ARS 13-1502, trespass in the third degree involves “knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.” The question of whether you engaged in trespass in violation of ARS 13-1502 turns on whether you remained unlawfully after being given reasonable notice to leave the property. The evidence shows you were in proximity to Whitmire when police told him that the tents had to be removed and the protesters had to leave or would be arrested. In addition, not only did you observe him being arrested for trespass, but Ofc. Padilla and Sgt. Latella were both facing in your direction following his arrest when they told those remaining they had to go or be arrested. This evidence supports a reasonable inference that you had knowledge that your presence was unlawful. However, in contrast, you told SRR you did not believe that anyone told you to leave the Alumni Lawn before your arrest suggesting you did not hear the statements made by police and therefore did not know your presence was unlawful. Because we are unable to resolve the conflict between the evidence, we cannot find that a preponderance of the evidence supports a conclusion that you violated ABOR 5-308.F.26. Accordingly, the determination is not responsible for ABOR 5-308.F.26.

ABOR 5-308.F.7. prohibits “[f]ailure to comply with the directions of university officials or agents, including law enforcement....” As discussed above, given your proximity to the officers when they had their discussions with Bill Whitmire stating the tents had to come down and the protesters had to leave or be arrested for trespass and your proximity to the officers after they arrested Whitmire and turned toward you as well as others present stating those remaining had to leave or be arrested, there is evidence to support a conclusion you failed to comply with the directions of the officers. However, you denied having heard any directions from police before you were arrested, and this evidence would support a conclusion you did not fail to comply with the directions of officers. We are unable to resolve the conflict between this evidence. Therefore, we cannot find that a preponderance of the evidence supports a conclusion that you violated ABOR 5-308.F.7. Accordingly, the determination is not responsible for ABOR 5-308.F.7.

We also note here as an additional aggravating factor that you have a prior disciplinary history. You received a warning from the Office of Student Rights and Responsibilities on November 3, 2023, following an incident on October 26, 2023, in which ASU PD was called after a Tooker POD market employee witnessed you stealing multiple items from the market without paying.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically sections:

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - SSM 802-03 Amplification Policy
 - FAC 115: Overnight Use of University Property, in pertinent part, states: “Except in connection with university activities or events that may require overnight occupancy at the site of the activity or event, no person shall camp or erect any structure or use any camp paraphernalia or light or maintain any campfire on any university property.”
 - ABOR 7-201 Ownership, Management and Use of Real Property Section A.1., in pertinent part, states: “Title to the grounds and properties of the three universities shall be held by the Arizona Board of Regents, a body corporate, for and on behalf of each university. Such grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.”
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom-related activities, studying, teaching, research, intellectual or creative endeavor, administration, service, or the provision of communication, computing, or emergency services.

You have been found **not responsible** for violating the following sections:

- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance.

DECISION

As a result of these findings, the sanction of Suspension is imposed. When determining the length of your suspension, the length of your interim suspension was taken into account. As such, your full suspension period is considered to have begun retroactively on the date you were placed on interim suspension and will end at 11:59 p.m. on the date SRR confirms your successful completion of the educational interventions outlined below.

The terms of this suspension period include the following:

- You are denied access from any university property, including but not limited to, real and personal property, money, and intellectual property owned, operated, leased to, contracted by, controlled, or in the possession of a university or the Board. You are subject to arrest if you violate this directive.
- You are not permitted to participate in any university-sponsored activity.
- You are ineligible for admission, enrollment, re-enrollment or readmission to Arizona State University, Northern Arizona University, or the University of Arizona or any other university campus or division governed by the Arizona Board of Regents. For further information concerning this provision, please reference: <https://eoss.asu.edu/dos/srr/codeofconduct>.
- An administrative hold has been placed on your records and you will not be allowed to register for any classes.

ADDITIONAL OUTCOMES

- You are placed on administrative probation. Your administrative probation will conclude two years from the end date of your suspension, which will be on the date SRR determines you have successfully completed the educational interventions outlined below.
- Educational Interventions that Must be Successfully Completed before Suspension will Terminate:
 - You must complete the Choices exercise. The Choices exercise is an educational intervention that challenges the student to think about their values and current decision-making style while considering if their behavior is congruent with their

values. It provides the student the opportunity to learn about various decision-making fallacies and styles. Refer to the Choices attachments in this email. The values cards are to be sorted and the reflective questions answered. Utilize your reflection and the answers to the questions on that handout. The answers should be well thought out and must demonstrate that you took the time to meaningfully engage in this exercise and gain something from it. Email the completed exercise as an attachment to deanofstudents@asu.edu by 4:30 p.m., November 8, 2024.

- You must complete an Educational/Reflection Paper. After completing the Choices Exercise, refer to the worksheet to complete this Educational/Reflection Paper. Utilize your reflection and the answers to the questions on that worksheet. This paper should be well thought out and show that you took the time to do this exercise and gain something from it. Take this opportunity to see how your values can play into the decision-making process, and how you can use your values in the future. This paper should be 3 pages, 12 point font, in Times New Roman, with 1-inch margins, and should be of college quality. If the paper does not meet the standards of a college-level paper, it will be returned and you will need to re-write it before SRR will determine you have successfully completed the educational intervention. Email this paper as an attachment to deanofstudents@asu.edu by 4:30 p.m., November 8, 2024.

CONDITIONS FOR RETURN

Should you desire to return to Arizona State University after your suspension period ends, you will first need to complete all outcomes listed above. In addition, you will need to meet with the Office of Student Rights & Responsibilities prior to the administrative hold being removed from your student account. The purpose of this meeting will be to review your completion of the educational interventions which are a condition precedent to the termination of your suspension, discuss your reintegration into the university community, and develop strategies for compliance with the ABOR Student Code of Conduct upon your return.

DISCIPLINARY SANCTION APPEAL PROCESS

As per the ASU Student Code of Conduct Procedures, you have the right to an appeal when the sanction imposed includes suspension, expulsion, or degree revocation. The University Hearing Board is the body that conducts hearings for appeals.


To request a hearing before a University Hearing Board, the suspended student must file a written request no later than five (5) business days following the date of notification. In your case, the written request for a hearing before the University Hearing Board must be delivered via email to deanofstudents@asu.edu no later than 11:59 p.m. ([AZ Time](#)) on **Tuesday, November 12, 2024**. Late appeal requests will not be considered.

An appeal will suspend the imposition of the suspension as stated in the Student Code of Conduct procedures. However, as also stated in those procedures, an appeal does not impact your interim suspension, which, in the event of an appeal, will remain in effect until the appeal process is concluded.

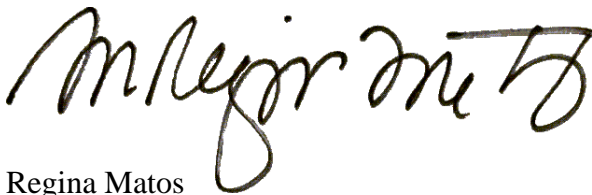
Please refer to the university [*Student Code of Conduct Procedures*](#) for information regarding appeal procedures. You may access the *ABOR Student Code of Conduct* here: <https://eoss.asu.edu/dos/srr/codeofconduct>.

If you have questions concerning this action, please contact the [Office of Student Rights and Responsibilities](#) at (480) 965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [Student Accessibility and Inclusive Learning Services](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Drane III". The signature is fluid and cursive, with the last name "Drane" being more prominent.

Daniel Drane III, Ed.D.
Dean of Students – Polytechnic

A handwritten signature in black ink, appearing to read "Regina Matos". The signature is cursive and somewhat stylized, with the first name "Regina" being the most legible part.

Regina Matos
Dean of Students - West Valley

Student Rights and Responsibilities
Arizona State University
480-965-9170

SERVICE TO OTHERS

MORAL RESPONSIBILITY & FULFILLMENT

OPENNESS AND HONESTY AMONG PEOPLE

LONG AND HEALTHY LIFE

DEEP RELIGIOUS BELIEFS

GREAT PERSONAL ATTRACTIVENESS

JUSTICE AND EQUALITY IN THE WORLD

SATISFYING FAMILY LIFE WITH CHILDREN

TIME WITH NATURE

PERSONAL FAME AND FORTUNE

RECOGNITION AND FAME

PERSONAL ACHIEVEMENT

SELF UNDERSTANDING

ATHLETIC EXCELLENCE

A GREAT SENSE OF HUMOR

A CAPACITY TO GIVE AND RECEIVE LOVE

**UNLIMITED ACCESS TO MUSIC, ART, THEATRE,
LITERATURE**

**SATISFYING RELATIONSHIP WITH A
PARTNER/SPOUSE**

FREEDOM TO TRAVEL

LIVING ACCORDING TO MY BELIEFS

**CONTRIBUTING TO THE BETTERMENT OF THE
WORLD**

LEADING & INFLUENCING PEOPLE & POLICIES

JOB SATISFACTION AND SUCCESS

CREATIVITY

CLOSE AND LOYAL FRIENDS

LIFE OF GREAT ROMANCE

SATISFYING AND COMPLETE EDUCATION

SOCIAL STATUS

POWER AUTHORITY

LIFE OF GREAT ADVENTURE

A SENSE OF ORDER

**FREEDOM OF LIFESTYLE & PERSONAL
INDEPENDENCE**

**THE PURSUIT OF KNOWLEDGE, TRUTH AND
UNDERSTANDING**

A LIFE OF LEISURE

BEING LIKED AND APPRECIATED BY OTHERS

FINANCIAL SECURITY

WORRY FREE LIFE

SATISFYING LOVE LIFE

GENIUS INTELLIGENCE

Choices Workshop
Office of Student Rights & Responsibilities



Quotes on Ethics

Select a quote below that best describes your understanding of ethics, that could assist you in future decision-making, or with which you disagree. We will discuss together as a group.

- | | |
|--|--|
| 1. Excellence is not a singular act, but a habit. You are what you repeatedly do.
<i>Shaquille O'Neal</i> | 11. The mind is everything. What you think, you become.
<i>Prince Guatama Siddharta</i> |
| 2. Ethics is not definable, is not implementable, because it is not conscious; it involves not only our thinking, but also our feeling.
<i>Valdemar W. Setzer</i> | 12. To see what is right and not to do it is want of courage.
<i>Confucius</i> |
| 3. Relativity applies to physics, not ethics.
<i>Albert Einstein</i> | 13. Not life, but good life, is to be chiefly valued.
<i>Socrates</i> |
| 4. Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.
<i>W. Clement Stone</i> | 14. Education without values, as useful as it is, seems rather to make man a more clever devil.
<i>C.S. Lewis</i> |
| 5. Integrity is doing the right thing, even if nobody is watching.
<i>Unknown</i> | 15. Right actions for the future are the best apologies for wrong ones in the past.
<i>Tyron Edwards</i> |
| 6. Ethics is the activity of man directed to secure the inner perfection of his own personality.
<i>Albert Schweitzer</i> | 16. I can bring you to the door, but you have to walk through.
<i>Jean-Paul Vadnais</i> |
| 7. Even the most rational approach to ethics is defenseless if there isn't the will to do what is right.
<i>Alexander Sozhenitsyn</i> | 17. It's not hard to make decisions when you know what your values are.
<i>Roy Disney</i> |
| 8. Ethics is knowing the difference between what you have a right to do and what is right to do.
<i>Potter Stewart</i> | 18. Character is power.
<i>Booker T. Washington</i> |
| 9. In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.
<i>Immanuel Kant</i> | 19. Live one day at a time emphasizing ethics rather than rules.
<i>Wayne Dyer</i> |
| 10. I consider ethics, as well as religion, as supplements to law in the government of man.
<i>Thomas Jefferson</i> | 20. For there is nothing either good or bad, but thinking makes it so.
<i>William Shakespeare</i> |

Office of Student Rights & Responsibilities

Values Card Sort

Always Valued	Sometimes Valued	Rarely Valued

After separating the values reflect on the following questions:

1. Was this task easy or difficult? Why?
2. Was there anything, while doing this exercise that surprised you? For example, a value in a pile that you didn't think would be there?
3. Do you think if you had done this exercise a few years ago your values would be separated differently? Why?

Choices Workshop

Office of Student Rights & Responsibilities



My Top 5 Values:

- 1.
- 2.
- 3.
- 4.
- 5.

After selecting your 5 top values, reflect on the following questions:

1. Was this task easy or difficult? Why?
2. How did you narrow down your values to the top 5 selected?
3. Do you live these top 5 values on a daily basis? How?

My Number 1 Value: _____

After selecting your Number 1 Value, reflect on the following questions:

1. Why is this important to you right now?
2. How do you live this value on a daily basis?
3. Have your values been challenged? How did you cope? How did it affect you?

After reflecting on the questions above, think about the incident or behavior that resulted in your referral to this workshop and reflect on the following questions:

1. How does your Number 1 value play into the decision you made, which resulted in you completing this workshop as part of your sanction?
2. What was it like to put your decision above your Number 1 value in your decision making process?
3. How can you use your Number 1 value in your decision making process in the future to make better decisions/choices?

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

Arizona Board of Regents (ABOR) Student Code of Conduct

The Student Code of Conduct sets forth the standards of conduct expected of students who attend the three main universities in Arizona (ASU, UA, and NAU). These standards apply to both on-campus and off-campus behavior. Students who violate the Student Code of Conduct may be subject to administrative and educational sanctions. For more information, please visit: <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>

Notice of No Retaliation

ACD 401: *Prohibition against Discrimination, Harassment, and Retaliation* – Any individual who is part of the investigation process cannot retaliate against any individual who participates in the Student Rights and Responsibility investigation process. More information regarding this policy can be found at the following webpage: <https://www.asu.edu/aad/manuals/acd/acd401.html>

PROCEDURES

Arizona State University Code of Conduct Procedures

When the University is aware of a reported violation of the Student Code of Conduct, an investigation is conducted. Both parties are informed of the outcome of the investigation. The Code of Conduct Procedures can be found at the following webpage: https://eoss.asu.edu/sites/default/files/student_conduct_procedures_rev_6-23-2021_Cleryfinal.pdf

Interim Grievance Process for Formal Complaints of Title IX Sexual Harassment

Effective September 10, 2021, this procedure describes the process that will be followed by Arizona State University to resolve formal complaints of Title IX sexual harassment. Title IX sexual harassment is conduct, based on sex, that constitutes one or more of the following:

- Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ASU's education program or activity.
- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
- Any of the following specific acts of sexual harassment taking place within the United States and within an ASU education program or activity: sexual assault, dating violence, domestic violence, and stalking.

For more information, please visit: <https://provost.asu.edu/policies/procedures/p20a>

REPORTING OPTIONS

Office of Student Rights & Responsibilities (SRR)

The Office of Student Rights and Responsibilities staff is responsible for reviewing and handling student incident reports. The staff reviews the conduct of both individual students and student organizations in relation to standards set forth by the Arizona Board of Regents (ABOR). To file a report, submit an online form at: <https://eoss.asu.edu/dos/srr/filingreport>

University Rights & Responsibilities (URR)

The Office of University Rights & Responsibilities reviews and investigates concerns and allegations of discrimination or harassment involving faculty, staff, and other ASU affiliates. For more information, please call (480) 965-5057, email URR@asu.edu or visit: <https://urr.asu.edu/>

Filing a Police Report

Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- | | |
|--------------------------------------|---|
| - ASU Police: 480-965-3456 | - City of Phoenix Police: 602-262-6151 |
| - City of Mesa Police: 480-644-2211 | - City of Glendale Police: 623-930-3000 |
| - City of Tempe Police: 480-350-8311 | |

ASU Counseling Services

ASU Counseling Services offers **confidential**, personal counseling, and crisis services for students and prioritizes immediate access to services to ensure that all who request or need services can be seen within the same day. This is a confidential resource. Any information you share with counseling will not be shared with our office. To schedule an appointment, call (480) 965-6146. Students can communicate with counselors from anywhere and at any time through the [ASU Counseling Services Open Call/Open Chat](#). For more information please visit: <https://eoss.asu.edu/counseling>.

ASU Health Services

Health services is a confidential resource that is available to you. ASU is committed to the physical and emotional health and wellness of students. This is a **confidential resource**. To schedule an appointment, schedule an appointment by calling (480) 965-3349. For after-hours/weekend medical advice, call (800) 293-5775.

Student Advocacy and Assistance (SAA)

Student Advocacy and Assistance guides students in resolving educational, personal and other campus impediments toward successful completion of their academic goals. Please note that Student Advocacy and Assistance is **not a confidential resource**. To schedule an appointment with an Advocate, please call (480) 965-6547 or submit a request at: <https://eoss.asu.edu/dos/student-advocacy-and-assistance>.

- Guidance and assistance for students experiencing challenges with academics, housing, student employment, visa/immigration, financial aid and other student services areas.
- One-on-One consultation with students seeking guidance in resolving personal challenges and concerns.
- Assistance with administrative matters impacting academic persistence and success, including: Absence Letters, Course Incompletes, Course Withdrawals, Compassionate Withdrawals and Medical Withdrawals.
- Assists students and their families in connecting with community resources.

Sexual Violence Prevention Resources

If an incident of sexual misconduct or relationship violence occurs, options to report the incident, receive **confidential support**, and immediate assistance are available through on-campus and off-campus resources. In order to ensure all members of the ASU community have access to health and safety resources, ASU employees are mandatory reporters and must report allegations of sexual assault/harassment. For more information, please visit: <https://sexualviolenceprevention.asu.edu/>.

La Frontera/EMPACT Trauma Healing Program

The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

ASU LiveSafe Mobile App

The LiveSafe Mobile app has many benefits and useful tools for students. The app allows students to send ASU PD real-time, anonymous tips that include audio, pictures, text, and video.

- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 40



STUDENT RIGHTS AND RESPONSIBILITIES

Arizona State University

asu.edu/srr

August 2, 2024

Guadalupe Chavez

Sent electronically to [REDACTED]

PERSONAL AND CONFIDENTIAL

Regarding Case Number: [REDACTED]

DECISION LETTER: RESPONSIBLE

Dear Guadalupe:

The Office of Student Rights and Responsibilities (SRR) has concluded the investigation into the incident that occurred on or around April 26-27, 2024, when an unauthorized encampment was set up on and occupied the Old Main Alumni Lawn at the Arizona State University Tempe campus until law enforcement arrested those remaining unlawfully on the Alumni Lawn and the encampment was removed.

Based on the totality of the circumstances and the information obtained pursuant to this investigation and based on a more likely than not standard of proof, the Dean of Students has determined that it is more likely than not that you violated the Student Code of Conduct. In summary, the evidence shows that at approximately 8:45 a.m. on Friday, April 26, 2024, protesters began occupying the Alumni Lawn and set up an unauthorized encampment. ASU Police responded to the report of the unauthorized encampment and advised those setting up the encampment that it violated ASU policies, advised them that they must remove the encampment and leave, and advised them that if they failed to do so, they would be arrested for trespassing. When the organizers refused the police directive to remove the encampment and leave, police initially arrested 3 individuals for trespass. ASU Police determined additional law enforcement resources were needed given the size of the encampment, the number of individuals present, and the fact that additional people and supplies were continuing to arrive.

Throughout Friday, April 26, ASU Police and other ASU representatives continued to monitor and address the safety of all participants while also asking those participating in the encampment to comply with university policy regarding tents, location, and amplification. As an 11:00 p.m. deadline to vacate the area approached, ASU Police worked with other law enforcement agencies

to assemble personnel and plan for the clearing of the encampment and arrest of any individuals who refused to leave or became violent. This included closing the adjacent University Drive to traffic for safety purposes and arranging for buses to transport arrestees for booking.

Beginning at approximately 10:40 p.m., repeated announcements were made to persons present at the Alumni Lawn encampment by ASU Police Commander Anthony Momon using a high-powered amplification system. Each round of announcements was repeated from multiple locations around the Alumni Lawn to ensure persons present heard the announcements. The crowd yelled responses to Commander Momon, indicating that the crowd heard the announcements. Commander Momon's announcements advised those on the Alumni Lawn that the gathering was unlawful and commanded them to leave the Lawn and ASU property immediately or they would be arrested. Commander Momon repeated the announcement directing those on the Alumni Lawn to leave or face arrest at approximately 11:00 p.m. and 11:40 p.m.

At approximately 11:59 p.m., ASU Police began arresting individuals remaining on the Alumni Lawn in violation of Commander Momon's order to leave. Thereafter, on April 27, 2024, Commander Momon again repeated the announcement ordering persons to leave at approximately 12:36 a.m. and 1:00 a.m.

The evidence shows that you learned about the unauthorized Alumni Lawn encampment through a fellow Phoenix Urban Health Collective medic, who informed you in the early afternoon on April 26 of the need for medics at the unauthorized encampment. The Phoenix Urban Health Collective is a group of volunteer street medics providing first aid at protests and other direct action events.

You stated that you arrived at the unauthorized encampment between noon and 1:00 p.m., bringing with you your "medic bag." You stated you participated in the unauthorized encampment by providing first aid assistance to those participating in the encampment. You stated you left the unauthorized encampment after approximately 5 hours before returning around midnight to replenish medic supplies after learning from another medic at the encampment that medic supplies had been removed.

Arrests began around 11:59 p.m., and you were arrested on the Alumni Lawn at approximately 1:15 a.m., 75 minutes after arrests began and you observed numerous arrests being made. While you stated you were on the sidewalk, not the lawn on your return to the unauthorized encampment, you admitted that you entered the Alumni Lawn after police had directed protesters to leave or face arrest and you had observed police arresting persons on the Alumni Lawn. You frame your activities at the protest as for the purpose of providing first aid to individuals. However, you are not a recognized medical professional who was authorized by the University or police to provide such services at the unauthorized encampment. Accordingly, your unlawful presence at the unauthorized encampment is no different than that of any other individual who was arrested for trespassing. The preponderance of the evidence supports the conclusion that you

knowingly entered and remained on the Alumni Lawn at the unauthorized encampment after being ordered to leave and in violation of university policy.

CODE OF CONDUCT VIOLATION(S)

As a result, you have been found **responsible** for violating the Arizona Board of Regents (ABOR) Student Code of Conduct, specifically section(s):

- 5-308 F-4 Violation of, or attempt to violate, other rules that may be adopted by the Board or by the university.
 - ABOR 7-201.A.1. University “grounds and properties are devoted to and maintained for the sovereign function of the board and its universities and of the provision of higher education to the people, and its properties are not places of unrestricted public access.”
 - FAC 115: Overnight Use of University Property
- 5-308 F-7 Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in the good faith performance of their duties. This section is not intended to prohibit the lawful assertion of an individual's Fifth Amendment right against self-incrimination.
- 5-308 F-9 Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- 5-308 F-11 Interfering with or disrupting university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- 5-308 F-26 Commission of any offense prohibited by state or federal law or local ordinance.

DECISION

- You are placed on administrative probation. Your administrative probation will conclude on December 31, 2024.
- The Choices exercise provides an educational opportunity to students who participated in situations involving errors in judgment. Students will be challenged to think about their values and current decision-making style while considering if their behavior is congruent with their values and learning about various decision-making fallacies and styles. Refer to the Choices attachments in this email. The values cards are to be sorted and the reflective questions answered. Utilize your reflection and the answers to the questions on that handout. The answers should be well thought out and show that you took the time to do this exercise and gain something from it. Email the completed exercise as an attachment to deanofstudents@asu.edu by 4:30 p.m., August 9, 2024.
- After completing the Choices Exercise, refer to the worksheet to complete this Educational/Reflection Paper. Utilize your reflection and the answers to the questions on

that worksheet. This paper should be well thought out and show that you took the time to do this exercise and gain something from it. Take this opportunity to see how your values can play into the decision-making process, and how you can use your values in the future. This paper should be 3 pages, 12 point font, in Times New Roman, with 1-inch margins, and should be of college quality. If the paper does not meet the standards of a college-level paper it will be returned and you will need to re-write it. Email this paper as an attachment to deanofstudents@asu.edu by 4:30 p.m., August 9, 2024.

Please be aware that failure to adhere to and/or complete the above requirement(s) will result in an administrative hold being placed on your records, meaning that you will not be allowed to register for classes until you complete the requirements. Furthermore, any future violation of the ABOR Student Code of Conduct may result in additional administrative or disciplinary action.

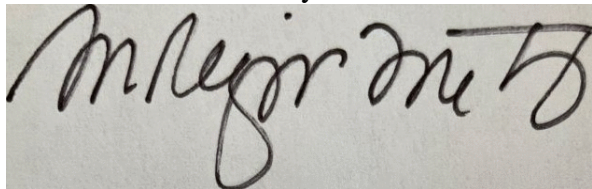
If you have questions concerning this action, please contact Student Rights and Responsibilities at 480-965-9170. There is an attachment to this letter providing contact information for support services available to students. If you need any accommodations to participate in any part of the process, please contact ASU's [Student Accessibility and Inclusive Learning Services](#).

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Drane III". The signature is fluid and cursive, with the last name "Drane" being particularly prominent.

Daniel Drane III, Ed.D.

Dean of Students – Polytechnic

A handwritten signature in black ink, appearing to read "Regina Matos". The signature is cursive and somewhat stylized, with the first name "Regina" being the most legible part.

Regina Matos

Dean of Students - West Valley

Student Rights and Responsibilities
Arizona State University
480-965-9170

CC: Adam Hubbi

SERVICE TO OTHERS

MORAL RESPONSIBILITY & FULFILLMENT

OPENNESS AND HONESTY AMONG PEOPLE

LONG AND HEALTHY LIFE

DEEP RELIGIOUS BELIEFS

GREAT PERSONAL ATTRACTIVENESS

JUSTICE AND EQUALITY IN THE WORLD

SATISFYING FAMILY LIFE WITH CHILDREN

TIME WITH NATURE

PERSONAL FAME AND FORTUNE

RECOGNITION AND FAME

PERSONAL ACHIEVEMENT

SELF UNDERSTANDING

ATHLETIC EXCELLENCE

A GREAT SENSE OF HUMOR

A CAPACITY TO GIVE AND RECEIVE LOVE

**UNLIMITED ACCESS TO MUSIC, ART, THEATRE,
LITERATURE**

**SATISFYING RELATIONSHIP WITH A
PARTNER/SPOUSE**

FREEDOM TO TRAVEL

LIVING ACCORDING TO MY BELIEFS

**CONTRIBUTING TO THE BETTERMENT OF THE
WORLD**

LEADING & INFLUENCING PEOPLE & POLICIES

JOB SATISFACTION AND SUCCESS

CREATIVITY

CLOSE AND LOYAL FRIENDS

LIFE OF GREAT ROMANCE

SATISFYING AND COMPLETE EDUCATION

SOCIAL STATUS

POWER AUTHORITY

LIFE OF GREAT ADVENTURE

A SENSE OF ORDER

**FREEDOM OF LIFESTYLE & PERSONAL
INDEPENDENCE**

**THE PURSUIT OF KNOWLEDGE, TRUTH AND
UNDERSTANDING**

A LIFE OF LEISURE

BEING LIKED AND APPRECIATED BY OTHERS

FINANCIAL SECURITY

WORRY FREE LIFE

SATISFYING LOVE LIFE

GENIUS INTELLIGENCE

Choices Workshop
Office of Student Rights & Responsibilities



Quotes on Ethics

Select a quote below that best describes your understanding of ethics, that could assist you in future decision-making, or with which you disagree. We will discuss together as a group.

- | | |
|--|--|
| 1. Excellence is not a singular act, but a habit. You are what you repeatedly do.
<i>Shaquille O'Neal</i> | 11. The mind is everything. What you think, you become.
<i>Prince Guatama Siddharta</i> |
| 2. Ethics is not definable, is not implementable, because it is not conscious; it involves not only our thinking, but also our feeling.
<i>Valdemar W. Setzer</i> | 12. To see what is right and not to do it is want of courage.
<i>Confucius</i> |
| 3. Relativity applies to physics, not ethics.
<i>Albert Einstein</i> | 13. Not life, but good life, is to be chiefly valued.
<i>Socrates</i> |
| 4. Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.
<i>W. Clement Stone</i> | 14. Education without values, as useful as it is, seems rather to make man a more clever devil.
<i>C.S. Lewis</i> |
| 5. Integrity is doing the right thing, even if nobody is watching.
<i>Unknown</i> | 15. Right actions for the future are the best apologies for wrong ones in the past.
<i>Tyron Edwards</i> |
| 6. Ethics is the activity of man directed to secure the inner perfection of his own personality.
<i>Albert Schweitzer</i> | 16. I can bring you to the door, but you have to walk through.
<i>Jean-Paul Vadnais</i> |
| 7. Even the most rational approach to ethics is defenseless if there isn't the will to do what is right.
<i>Alexander Sozhenitsyn</i> | 17. It's not hard to make decisions when you know what your values are.
<i>Roy Disney</i> |
| 8. Ethics is knowing the difference between what you have a right to do and what is right to do.
<i>Potter Stewart</i> | 18. Character is power.
<i>Booker T. Washington</i> |
| 9. In law a man is guilty when he violates the rights of others. In ethics he is guilty if he only thinks of doing so.
<i>Immanuel Kant</i> | 19. Live one day at a time emphasizing ethics rather than rules.
<i>Wayne Dyer</i> |
| 10. I consider ethics, as well as religion, as supplements to law in the government of man.
<i>Thomas Jefferson</i> | 20. For there is nothing either good or bad, but thinking makes it so.
<i>William Shakespeare</i> |

Office of Student Rights & Responsibilities

Values Card Sort

Always Valued	Sometimes Valued	Rarely Valued

After separating the values reflect on the following questions:

1. Was this task easy or difficult? Why?
2. Was there anything, while doing this exercise that surprised you? For example, a value in a pile that you didn't think would be there?
3. Do you think if you had done this exercise a few years ago your values would be separated differently? Why?

Choices Workshop

Office of Student Rights & Responsibilities



My Top 5 Values:

- 1.
- 2.
- 3.
- 4.
- 5.

After selecting your 5 top values, reflect on the following questions:

1. Was this task easy or difficult? Why?
2. How did you narrow down your values to the top 5 selected?
3. Do you live these top 5 values on a daily basis? How?

My Number 1 Value: _____

After selecting your Number 1 Value, reflect on the following questions:

1. Why is this important to you right now?
2. How do you live this value on a daily basis?
3. Have your values been challenged? How did you cope? How did it affect you?

After reflecting on the questions above, think about the incident or behavior that resulted in your referral to this workshop and reflect on the following questions:

1. How does your Number 1 value play into the decision you made, which resulted in you completing this workshop as part of your sanction?
2. What was it like to put your decision above your Number 1 value in your decision making process?
3. How can you use your Number 1 value in your decision making process in the future to make better decisions/choices?

Educational Outreach and Student Services

Office of Student Rights and Responsibilities

Arizona State University

Notice of Resources



POLICY

Arizona Board of Regents (ABOR) Student Code of Conduct

The Student Code of Conduct sets forth the standards of conduct expected of students who attend the three main universities in Arizona (ASU, UA, and NAU). These standards apply to both on-campus and off-campus behavior. Students who violate the Student Code of Conduct may be subject to administrative and educational sanctions. For more information, please visit: <https://public.azregents.edu/Policy%20Manual/5-308-Student%20Code%20of%20Conduct.pdf>

Notice of No Retaliation

ACD 401: *Prohibition against Discrimination, Harassment, and Retaliation* – Any individual who is part of the investigation process cannot retaliate against any individual who participates in the Student Rights and Responsibility investigation process. More information regarding this policy can be found at the following webpage: <https://www.asu.edu/aad/manuals/acd/acd401.html>

PROCEDURES

Arizona State University Code of Conduct Procedures

When the University is aware of a reported violation of the Student Code of Conduct, an investigation is conducted. Both parties are informed of the outcome of the investigation. The Code of Conduct Procedures can be found at the following webpage: https://eoss.asu.edu/sites/default/files/student_conduct_procedures_rev_6-23-2021_Cleryfinal.pdf

Interim Grievance Process for Formal Complaints of Title IX Sexual Harassment

Effective September 10, 2021, this procedure describes the process that will be followed by Arizona State University to resolve formal complaints of Title IX sexual harassment. Title IX sexual harassment is conduct, based on sex, that constitutes one or more of the following:

- Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ASU's education program or activity.
- An employee conditioning the provision of an aid, benefit, or service of ASU on an individual's participation in unwelcome sexual conduct.
- Any of the following specific acts of sexual harassment taking place within the United States and within an ASU education program or activity: sexual assault, dating violence, domestic violence, and stalking.

For more information, please visit: <https://provost.asu.edu/policies/procedures/p20a>

REPORTING OPTIONS

Office of Student Rights & Responsibilities (SRR)

The Office of Student Rights and Responsibilities staff is responsible for reviewing and handling student incident reports. The staff reviews the conduct of both individual students and student organizations in relation to standards set forth by the Arizona Board of Regents (ABOR). To file a report, submit an online form at: <https://eoss.asu.edu/dos/srr/filingreport>

University Rights & Responsibilities (URR)

The Office of University Rights & Responsibilities reviews and investigates concerns and allegations of discrimination or harassment involving faculty, staff, and other ASU affiliates. For more information, please call (480) 965-5057, email URR@asu.edu or visit: <https://urr.asu.edu/>

Filing a Police Report

Filing a police report does not obligate an individual to move forward with pressing charges. Contact information for many of the local agencies are listed here. ASU and ASU Police can assist with contacting other police departments.

ASU Police Victim Advocate: 480-965-0107

- | | |
|--------------------------------------|---|
| - ASU Police: 480-965-3456 | - City of Phoenix Police: 602-262-6151 |
| - City of Mesa Police: 480-644-2211 | - City of Glendale Police: 623-930-3000 |
| - City of Tempe Police: 480-350-8311 | |

ASU Counseling Services

ASU Counseling Services offers **confidential**, personal counseling, and crisis services for students and prioritizes immediate access to services to ensure that all who request or need services can be seen within the same day. This is a confidential resource. Any information you share with counseling will not be shared with our office. To schedule an appointment, call (480) 965-6146. Students can communicate with counselors from anywhere and at any time through the [ASU Counseling Services Open Call/Open Chat](#). For more information please visit: <https://eoss.asu.edu/counseling>.

ASU Health Services

Health services is a confidential resource that is available to you. ASU is committed to the physical and emotional health and wellness of students. This is a **confidential resource**. To schedule an appointment, schedule an appointment by calling (480) 965-3349. For after-hours/weekend medical advice, call (800) 293-5775.

Student Advocacy and Assistance (SAA)

Student Advocacy and Assistance guides students in resolving educational, personal and other campus impediments toward successful completion of their academic goals. Please note that Student Advocacy and Assistance is **not a confidential resource**. To schedule an appointment with an Advocate, please call (480) 965-6547 or submit a request at: <https://eoss.asu.edu/dos/student-advocacy-and-assistance>.

- Guidance and assistance for students experiencing challenges with academics, housing, student employment, visa/immigration, financial aid and other student services areas.
- One-on-One consultation with students seeking guidance in resolving personal challenges and concerns.
- Assistance with administrative matters impacting academic persistence and success, including: Absence Letters, Course Incompletes, Course Withdrawals, Compassionate Withdrawals and Medical Withdrawals.
- Assists students and their families in connecting with community resources.

Sexual Violence Prevention Resources

If an incident of sexual misconduct or relationship violence occurs, options to report the incident, receive **confidential support**, and immediate assistance are available through on-campus and off-campus resources. In order to ensure all members of the ASU community have access to health and safety resources, ASU employees are mandatory reporters and must report allegations of sexual assault/harassment. For more information, please visit: <https://sexualviolenceprevention.asu.edu/>.

La Frontera/EMPACT Trauma Healing Program

The program is a 24-hour **confidential resource** for individuals affected by sexual assault, domestic violence, or hate crimes. Services include a confidential 24-hour hotline; mobile crisis support; individual, couples, family, and group therapy; and case management and advocacy. The Sexual Assault Hotline: (480) 736-4949 or (866) 205-5229.

ASU LiveSafe Mobile App

The LiveSafe Mobile app has many benefits and useful tools for students. The app allows students to send ASU PD real-time, anonymous tips that include audio, pictures, text, and video.

- Send an emergency 911 text or call to ASU PD Dispatch
- Alert personal emergency contacts in times of distress
- Activate **SafeWalk** and text with your friends or family during your trip as they view your progress on a map
- Request a ride from the student-run Safety Escort Service
- Access ASU crime alerts and receive University alerts and advisories

Download the free ASU LiveSafe App

1. You will receive a one-time SMS to download the app to your mobile device.
2. Select Arizona State University
3. Choose your organization based on your location. Use **ASU AZ – Fac/Stu/Staff**
4. ASU parents and visitors choose **ASU AZ – Visitor**
5. Complete your profile



If you have questions about the ASU LiveSafe mobile app features and functions, email or follow on Twitter: @ASULiveSafe

EXHIBIT 41

ARIZONA BOARD OF REGENTS
POLICY MANUAL

5-401 Student Code of Conduct Procedures – General

Revision Dates

9/28/2018 (effective 8/23/2018), 6/5/2015, 6/15/2012, 8/14/2008, 9/1/2000, 9/8/1989, 5/21/1983 (adopted)

D. STUDENT CODE OF CONDUCT PROCEDURES

- A. The purpose of these procedures is to guide the review of allegations of violations of the Student Code of Conduct.
- B. These procedures are designed to allow for fact-finding and decision-making in the context of an educational community, and to encourage students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student and the legitimate interests of the university.
- C. The universities may use mediation, conciliation, or any alternative dispute resolution procedures in addition to or in place of these procedures in accordance with policies and procedures adopted by each university and as permitted by law.
- D. Student records generated during the information gathering/decision-making process associated with these procedures are subject to the Family Educational Rights and Privacy Act (FERPA).
- E. Each university shall adopt Student Code of Conduct Procedures that are consistent with Board Policy and applicable laws and regulations.
- F. Each university may adopt policies and procedures for reviewing allegations of academic dishonesty. If the sanction imposed includes expulsion, suspension, or revocation of a degree, then the student is entitled to a hearing according to procedures adopted by each university.
- G. Each university will provide procedural protections for disciplinary procedures as required by A.R.S. § 15-1866.

Policy History

5/21/1983 Approved by the Board on second reading.

9/8/1989 Policy revision approved by the Board on second reading.

ARIZONA BOARD OF REGENTS

Effective: 8/23/2018

Policy 5-401, Student Code of Conduct Procedures – General

9/1/2000	Policy revision approved by the Board on second reading.
8/14/2008	Policy revision approved by the Board on second reading.
6/15/2012	Policy revision approved by the Board on second reading.
6/5/2015	Policy revision approved by the Board on second reading.
8/23/2018	Policy revision approved by the Board on first reading with immediate implementation.
9/28/2018	Policy revision approved by the Board on second reading.

Related Information